

THE INSPECTORATE'S REPORT ON CPS CAMBRIDGESHIRE

REPORT 9/00

NOVEMBER 2000

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PREFACE

HM Crown Prosecution Service Inspectorate (HMCPSI) is undertaking a cycle of inspections based on the 42 Area structure adopted by the Crown Prosecution Service (CPS) on 1 April 1999. The CPS remains a national service, but operating on a decentralised basis with each Area managed by a Chief Crown Prosecutor (CCP) who enjoys substantial autonomy within the terms of a framework document governing relationships between CPS Headquarters and the Areas.

The CPS is also taking forward a programme of further change to give effect to the recommendations contained in the Review of Delay in the Criminal Justice System (the Narey report). These, among other changes, introduce a new system for the preparation and submission of files and the prosecution of defendants. Before 1 November 1999, most defendants were charged and then bailed to a court hearing about a month later and were prosecuted by Crown Prosecutors. Under the new system, defendants are bailed to the next available court sitting. Some straightforward cases, involving anticipated guilty pleas, are prosecuted by designated caseworkers (DCWs). They are not lawyers but experienced caseworkers who have received special training. We discuss the effect of the new arrangements in more detail in our report, where we refer to “the Narey initiative” and “Narey files”.

The CPS is also to reorganise itself on a functional, rather than geographical, basis along lines recommended in the Review of the CPS by Sir Iain Glidewell (the Glidewell report). This will involve a transition from the existing Branch structure to one based on Criminal Justice Units (CJUs), which will work in close co-operation with the police to support the majority of casework in the magistrates’ courts, and Trial Units, which will concentrate on cases which are destined for, or have reached, the Crown Court.

These changes alone would have required significant adaptation of the Inspectorate’s methodology. The Glidewell report, however, also contained recommendations that there should be a stronger independent element in the Inspectorate and that it should have a wider remit. The Government, in its response to the Glidewell Report, decided to place the Crown Prosecution Service Inspectorate on an independent statutory basis. The Crown Prosecution Service Inspectorate Act 2000 received royal assent on 20 July 2000, and came into force on 1 October 2000.

The changes within the Inspectorate necessary to adapt it to the revised structure of the CPS, and its own role, can be summarised.

- * Inspections will, in future, be based on a two-year cycle, rather than the four-year cycle of the previous Branch based inspection programme. This change is specifically at the request of the Director of Public Prosecution (DPP) and the Chief Executive of the CPS. The new structure of the CPS is unusual in having 42 CCPs, each reporting to the DPP/Chief Executive, with no intermediate tier of management. The inspection process will therefore be a major source of assurance for them as to the quality of casework and overall performance in CPS Areas.

- * The inspection process will continue to focus mainly on the quality of casework decision-making and casework handling, but will in future extend to all matters which go to support the casework process. In effect, the Inspectorate will examine all aspects of Area performance basing its work on 12 non-legal themes, in addition to existing legal themes.
- * The Inspectorate is no longer a unit within the CPS itself, but is a self-contained independent organisation and has assumed responsibility for the publication of its own reports.

Notwithstanding these changes, the fundamental purpose of the Inspectorate will remain unchanged: to promote the efficiency and effectiveness of the CPS through a process of inspection and evaluation; the provision of advice; and the identification and promotion of good practice.

There will be a number of consequential changes to the manner in which inspections are conducted – the most obvious being the unit of inspection which is now the CPS Area, rather than the Branch. There will be some increase in staffing to accommodate the shorter inspection cycle. We will also be broadening the range of skills and experience within our teams of inspectors. Three inspectors have recently been recruited to concentrate on the business management aspects of our remit. They bring with them specialist skills in the fields of management, human and financial resources and corporate planning.

The Chief Inspector is also developing, at the specific request of the Attorney General, the role of lay inspectors. We seek to bring new perspective to our work by involving informed members of the public in the inspection process. They will look at the way in which the CPS relates to the public, through its dealings with victims and witnesses, its external communication and liaison its handling of complaints and its interpretation of the public interest test contained in the Code for Crown Prosecutors. We are grateful in this context for the co-operation we are receiving in developing this initiative from Victim Support, Citizens Advice Bureaux and the National Association for the Care and Resettlement of Offenders.

Another change in our methodology relates to the phases of the inspection process. We shall, in future, visit the relevant CPS Area much earlier in the inspection timetable for a preliminary meeting with the CCP and Area Business Manager. We hope that this will enable us to focus each inspection more accurately on the needs of the particular Area. We have also split our on-site phase into two distinct parts. The first is to meet local representatives of criminal justice agencies and criminal practitioners, as well as representatives of community organisations, in order to get their informed views about the work of the CPS. During this phase, we will also observe the presentation of cases in court and the functions that support this, including the role of the CPS in relation to victims and witnesses. Following a period of evaluation, the second phase will concentrate on meeting members of the CPS and observing their work in the office.

Even so, the inspection process must continue to evolve to adapt itself to changes both within the CPS and in the wider criminal justice system. Our methodology will need to be kept under review. We would expect our findings to change over the next two years. Those Areas which we visit early in the cycle will be at something of a disadvantage in that the extensive change process will in effect still be in progress. Towards the end of the cycle, we would expect Areas to have “bedded in” to a much greater extent to the new 42 Area CPS structure, and to the proposed

system of within functional rather than geographical units. Our reports will retain a common approach, but we shall endeavour to ensure that they accurately reflect the characteristics to be found within the CPS Areas in terms of size, makeup (metropolitan or rural) and the nature of the cases being handled. Each report will address issues of ongoing general concern and relevance – for example, the handling of cases involving offences of particular sensitivity or with aggravating features such as child abuse or racially motivated offences. We will also consider diversity issues generally and the operation of youth justice.

In our reports we will comment on good practice and make suggestions or recommendations where performance needs to be improved. The distinction between recommendations and suggestions lies in the degree of priority that the Inspectorate considers should attach to the proposals, with those matters meriting highest priority forming the basis of recommendations.

INTRODUCTION

- 1.1 CPS Cambridgeshire serves the area covered by the Cambridgeshire Constabulary. It has its office at Huntingdon. On 31 July 2000 it employed the equivalent of 54.5 full-time staff: the Chief Crown Prosecutor (CCP) and 17.9 other prosecutors; the Area Business Manager (ABM); three designated caseworkers (DCWs); 25.3 caseworkers; and 6.3 administrative staff.
- 1.2 In 1986, when the CPS was created, Cambridgeshire was combined with Lincolnshire as one CPS Area, with Cambridgeshire forming a Branch. When the CPS reorganised in 1993 from 31 Areas to 13 Areas, the Cambridgeshire Branch became part of CPS Anglia. With the latest reorganisation to 42 Areas in April 1999, Cambridgeshire became a CPS Area.
- 1.3 The Area has recently undergone an internal reorganisation, from three teams each covering a geographical part of Cambridgeshire, to three functional units, two covering magistrates' courts and one Crown Court proceedings. This was a necessary step towards implementing the recommendations of the Glidewell Report. In due course, the two magistrates' courts units will be reorganised into two criminal justice units (CJUs), staffed by both members of the Area and the police. At the same time the committals unit will be reorganised into a trials unit, again comprising staff from both the Area and the police.

Staffing and structure

- 1.4 The Area comprises three units. One magistrates' courts team (6.6 prosecutors, one DCW and six caseworkers) is responsible for the conduct of prosecutions in the magistrates' courts in Peterborough and Wisbech; the second magistrates' courts team (6.1 prosecutors, two DCWs and 5.6 caseworkers) is responsible for the conduct of prosecutions in the magistrates' courts in Cambridge, Ely and Huntingdon; the committals unit (5.2 prosecutors and 12.7 caseworkers) is responsible for the majority of the Area's Crown Court cases.

Caseload

- 1.5 In the year ending 30 June 2000, the Area dealt with 17,490 defendants in the magistrates' courts and 1,411 defendants in the Crown Court. In a further 522 cases, advice was given to the police before charge.
- 1.6 Overall, the caseload is weighted to less serious offences when compared with the national pattern, with 47.2% of its magistrates' courts caseload being summary motoring offences compared with 36.9% nationally. However, it is of a similar weight to the national average in the Crown Court, with 22.4% of its cases being indictable only offences compared with 22.6%. Additionally, we found that CPS Cambridgeshire had a number of serious and complex cases requiring decision making and handling by experienced staff.

- 1.7 Other significant features of the case outcomes include a much lower rate of cases dropped (8.7% compared with 13% nationally) or dismissed at the direction of the judge (1.5% compared with 2.3%) in the Crown Court.

The inspection process

- 1.8 The inspection team examined a total of 231 cases, ranging from those where an acquittal was directed by the judge, through to those where the prosecution discontinued proceedings, to those where the defendant pleaded guilty. Details of the file sample are at Annex 1. The team interviewed members of staff in the Area, and criminal law practitioners and local representatives of the criminal justice agencies. A list of individuals from whom we received comments is at Annex 3. The team also carried out extensive observations of the performance of advocates in both magistrates' courts and the Crown Court.
- 1.9 The CPSI inspected the Cambridgeshire Branch in August 1997. We compare our findings then with our findings during this inspection, and comment on progress which has been made, or otherwise. We refer to the previous report (Report 7/97) throughout as the 1997 Branch report.
- 1.10 The inspection team comprised three legal inspectors, one business management inspector, and one casework inspector. The team visited the Area for ten days between 31 July and 18 August 2000.
- 1.11 The lay inspector for this inspection was Jackie Worrall, who was nominated by the National Association for the Care and Resettlement of Offenders. The role of the lay inspector is described in the preface. She scrutinised the public interest decisions in a number of cases and reviewed files that had been the subject of complaints from members of the public. She also visited some courts and had the opportunity to speak to some witnesses after they had concluded giving their evidence.
- 1.12 The lay inspector was able to provide a valuable contribution to the inspection team's findings by providing a different viewpoint on these important areas of CPS activity. The views and findings of the lay inspector are reflected within the body of the report. She gave her time on a purely voluntary basis, and the Chief Inspector is grateful for the effort and assistance she provided in undertaking this inspection.

Overview

- 1.13 The Area has made solid progress since the reorganisation to the 42 Areas in April 1999. Whilst the roles of the management team continue to evolve, they are now fairly well developed, with the ABM handling much of the planning and budgeting activity, and the CCP being more involved in casework.

- 1.14 Casework systems and procedures have been fairly satisfactory in the past for the most part. They are undergoing review at the moment now the Area has split into functional Crown Court and magistrates' court teams, and this may afford the opportunity to standardise in a few areas which are currently inconsistent without clear reason for this. A good set of desktop procedures has recently been produced for one team, and their use could be widened.
- 1.15 A higher priority needs to be given to Crown Court issues. Neither instructions to Counsel nor indictments were of high quality. Furthermore there were a number of problems in case preparation affecting the readiness of cases in the Crown Court. Some of the issues about victims and witnesses require concerted action by several agencies; others require more action on the part of the prosecution in conjunction with the Crown Court listing office. Continuing difficulties in relation to the disclosure of unused material require efforts by the prosecution team as a whole, but inevitably these will have to be co-ordinated by the CPS.
- 1.16 Generally, the quality of decision-making and advice given to the police is good, and this is reflected in the low proportion of adverse cases. However, we had some concerns about the approach prosecutors are taking to the disclosure of unused material, although we acknowledge the steps being taken to address this issue.
- 1.17 The discontinuance rate was commendably low, and could be even lower if some incorrect recording was eliminated.
- 1.18 External relationships are generally very good, although there is still some work to do in trying to drive forward some initiatives with the police on a county-wide basis. The CPS are perceived to be the driving force in a number of inter agency committees and meetings.
- 1.19 We comment on individual aspects of the Area's performance at relevant sections of the report. But the following table draws together key statistical information about the Area's performance particularly in relation to targets that have been set nationally in support of the Service's objectives, and in relation to Government targets.

TABLE OF PERFORMANCE AGAINST TARGETS

CPS Performance Targets	National target 1999-2000	National outcome 1999-2000	Area Target 1999-2000	Area Outcome 1999-2000
Objective: To deal with prosecution cases in a timely and efficient manner in partnership with other agencies				
% of advance information sent within agreed timescales	83%	86.6%	69%	79.9%
% of committals sent to the defence within agreed timescales	60%	62.7%	50%	63.2%
% of briefs delivered to counsel within agreed timescales	80%	71.1%	91%	89.8%
Objective: To ensure that the charges proceeded with are appropriate to the evidence and to the seriousness of the offending by consistent fair and independent review				
% of cases dismissed on a submission of no case to answer which is attributable to failure in the review process	AA	0.01%		0.006%
% of non-jury acquittals in the Crown Court which are attributable to failures in the review process	AA	0.70%		0.50%
Objective: To meet the needs of victims and witnesses in the CJS in co-operation with other agencies				
% of witness expenses paid within 10 days	100%	97.5%	100%	99.8%**
% of complaints replied to within 10 days	87%	87.7%	76%	92.5%
Improving productivity				
% of total undisputed paid within 30 days	100%	97.1%	100%	98.4%**
GOVERNMENT TARGETS				
Youth Justice To halve the time from arrest to sentence for persistent young offenders from 142 days to 71 days by 31 March 2002		108		88
Sickness Reduce sickness absence from the 1998/99 baseline figure of 10.6 days per staff member	BB	10.2		7.9
CITIZENS CHARTER COMMITMENT				
% of MPs' correspondence replied to within 15 days	100%	94.2%	100.0%	83

** denotes performance of Service Centre and is not specific to Area

AA: The CPS constantly seeks to improve its performance and to reduce the % of these cases, but had no national target in 1999/2000

BB: The Civil Service has overall targets of reducing absence through sickness and these are set at 20% by 2001 and 30% by 2003

PROVIDING ADVICE

General

- 2.1 Our inspection was concerned primarily with the quality and timeliness of the advice provided. We also examined the arrangements between the CPS and the police for ensuring that the right cases are being submitted for advice and that advice informally given is properly recorded. These arrangements help to ensure that appropriate resources are allocated to those cases that most require them.
- 2.2 The performance indicators for the Area reveal that, in the year ending 30 June 2000, pre-charge advice was provided in 522 cases, which represents 3.0% of the Area caseload, compared with the national average of 3.6%.

Quality of advice

- 2.3 We examined ten advice cases and in each case were satisfied that the advice provided was consistent with the principles set out in the Code for Crown Prosecutors. We were impressed with the quality of most of the advice given. Typed letters were sent to the officers concerned and the advice usually addressed the issues cogently and comprehensively, including the wording of any proposed charges. Four cases were also referred to the CCP for his endorsement, due to their sensitivity. We were critical of the quality of advice in the 1997 Branch report and are pleased to note that the recommendation we made has been fully implemented.
- 2.4 Two cases were not so satisfactory. One involved two separate allegations of careless driving, and the reviewing lawyer advised prosecuting the latter offence only, whereas we would have prosecuted both offences. We make further reference to this case at paragraph 2.7. Another related to an allegation of attempted murder, which was expected to require further investigation in Hong Kong. The matter was referred to the Casework Directorate for specialist advice, but there was no evidence of further enquiries being made by the reviewing lawyer regarding the progress of the case. It was not clear on the face of the file whether Casework Directorate had taken over the conduct of the case or whether the investigation had not progressed.
- 2.5 We were told that the Police valued the advice given by the Area. In serious cases, the police considered that the quality of advice was very good and commended the Area for ensuring that a lawyer was allocated at an early stage; this provided continuity of representation, which was conducive to good case management.

Timeliness of advice

- 2.6 The CPS nationally has agreed with the police service a time guideline for dealing with requests for advice from the police of no more than two weeks from the receipt of an adequate file. Of the advice files that we examined, the date of receipt of papers from the police was recorded in only two cases. Whilst we were able to ascertain the approximate date of receipt in most cases, such an omission clearly hampers the monitoring process.
- 2.7 It appeared that advice was provided in a timely manner in only four of the ten files examined. One case, referred to above, was responded to 36 days after the request for advice was received. The case involved two separate allegations of careless driving, committed within two months of each other, by a bus driver. The delay resulted in one of the allegations being out of time for prosecution.
- 2.8 A complaint we considered related to the Area's failure to prosecute an individual under the Dangerous Dogs Act 1991. The police had submitted a request for advice, and initially the lawyer advised that further evidence was required. The file was eventually returned with the additional evidence but, because of the delay in the Area responding, a prosecution could not proceed because it was outside the six month time limit for instituting summary offences. The above examples illustrate the impact that untimely responses to requests for advice can have on the prosecution process. (The CCP will want to discuss with police the need to send files to the CPS at an early stage, rather than when months have elapsed.)
- 2.9 The police informed us that, for the most part, requests for advice were responded to within two to three weeks, but there were occasions when the officers contacted the Prosecution team leaders (PTLs) if the advice was not received promptly. The Area acknowledged that the police initiate reminders where necessary. In effect the police are monitoring the timeliness of advice given.
- 2.10 We recommend that the CCP introduces an effective system to ensure that advice is provided to the police within 14 days.**

Allocation and monitoring

- 2.11 Advice files are allocated by PTLs. Cases that are likely to go to the Crown Court are usually allocated to lawyers in the committals unit and other cases are allocated to lawyers in the magistrates' courts units, according to their experience and expertise. We were also told that advice cases involving juvenile defendants are occasionally allocated to non-youth specialists.
- 2.12 At present, all advice letters that relate to fatal road traffic accidents are approved by the relevant PTL before they are sent to the police, and a number are also notified to the CCP and discussed with him before advice is tendered. We were also told that lawyers tend to discuss sensitive cases with their PTLs.

- 2.13 There is no specific system for monitoring the quality of advice files. No doubt, the Area managers will want to be satisfied that the quality of advice is effectively monitored, and the high standard we found in the majority of cases is achieved consistently.
- 2.14 During the course of our inspection, we understand that the CCP issued a circular to members of staff, specifying the types of cases of which he wished to be notified. We endorse this practice and commend the CCP's involvement in sensitive advice cases.

Appropriateness of requests for advice

- 2.15 There is no formal agreement between the police and the Area regarding the types of cases that will be referred for advice, but the police have established an informal filtering system with the PTLs, to avoid inappropriate cases being submitted. A request for advice is approved by both a supervising officer and then the criminal justice unit manager, before being sent to the Area.
- 2.16 We considered that all the advice files examined in the sample were appropriately submitted to the Area. It therefore appears that the current informal arrangement is working effectively.

Informal advice

- 2.17 Both the Area and the police acknowledge that, in addition to formal requests for advice, police officers make informal requests for advice by telephone, or in person, particularly when lawyers are attending the police station to deal with Narey files.
- 2.18 One team had a system for recording telephone advice, but this was infrequently used. The other teams did not have such a system.
- 2.19 Furthermore, it was accepted that a record was not being kept of advice given at the police station, albeit we were told that if the advice requested was detailed, or the case complex, the lawyer would request an advice file. We were also told that the provision of informal advice was discouraged, but where given, and a charge resulted, it was requested that the lawyer's name was recorded on any ensuing prosecution file.
- 2.20 The Inspectorate's report on the Review of Advice Cases (Thematic Report 3/1998) commented on the importance of ensuring that informal advice of significance was properly recorded, and a copy sent to police, both to assist the police in any further enquiries and to avoid any misunderstandings. Proper recording of informal advice is also needed to ensure that this work is taken into account in the allocation of resources to the Area.
- 2.21 We recommend that the CCP ensures that all telephone and informal advice is recorded and confirmed in writing to the police.**

Advice from counsel

- 2.22 The Area managers are aware of CPS guidance about when it is appropriate to seek advice from counsel prior to charge. We saw no examples of counsel's advice being sought at an early stage, or where the advice of counsel would have been appropriate.
- 2.23 We were informed that it was very rare for counsel to be instructed prior to charge, but on those occasions when this occurred, the standard of counsel's advice was very good.

REVIEWING CASES

Introduction

- 3.1 We examined the quality and timeliness of the decision-making at the various stages in the progress of the cases within our file sample and some that featured in our court observations and on-site work. Prosecutors are required to take all such decisions in accordance with the principles set out in the Code for Crown Prosecutors (the Code) promulgated by the DPP under Section 10 of the Prosecution of Offences Act 1985. The most fundamental aspect of the Code is the twin criteria for the institution or continuation of proceedings: first, there must be sufficient evidence to afford a realistic prospect of conviction; secondly, the circumstances must be such that a prosecution would be in the public interest. Apart from the Code there is also specific guidance relating to other issues such as mode of trial.
- 3.2 The decision whether to institute criminal proceedings rests, other than in exceptional circumstances, with the police albeit they may seek advice from the CPS before taking the decision. Following the institution of proceedings, the police submit a file to the Crown Prosecution Service which should be subject to an initial review to see whether it should be accepted for prosecution. In some cases this may lead to a decision to terminate the proceedings at the outset. Where a case proceeds, it must be subject to continuous review. The initial assessment may have an element of provisionality about it, especially if it occurs before the police have concluded and submitted the report of an investigation; the evidential position or surrounding circumstances may change during the life of any case and the CPS must respond quickly and positively to review the case again and reassess it.
- 3.3 Our file sample covered the full range of cases but focused especially on certain categories of case which consistently attract a high degree of public concern (for example discontinued cases) or those which have proved problematic and may therefore hold important information about the quality of decision-making. We usually refer to the latter as “adverse cases”. They fall into four broad categories namely cases:
- (i) discharged by magistrates following consideration of evidence and a ruling that it is insufficient to justify committal to the Crown Court;
 - (ii) where all charges are dismissed on the basis that there is no case to answer at the conclusion of the prosecution case in a summary trial;
 - (iii) a trial judge at the Crown Court orders that an acquittal should be entered following a decision by the prosecution prior to the calling of evidence or the empanelling of a jury that the case should not proceed; and
 - (iv) where a trial judge in Crown Court proceedings rules, following the commencement of the evidence, that it is insufficient for the Crown to proceed and directs the jury to acquit.

- 3.4 We try to assess whether the outcome of adverse cases reflects a deficiency in the initial decision to prosecute or whether it is attributable to a change in the evidential position or other circumstances. We also consider at what point the likelihood of an adverse outcome became foreseeable and whether CPS staff identified and responded in a timely fashion to those changed circumstances so that any necessary termination took place at the earliest appropriate moment. Although the public interest requires that offenders be prosecuted fairly and firmly, it is also important to avoid continued unnecessary public expenditure on prosecutions which have ceased to be viable.
- 3.5 Our inspection process examines not only the substantive decision whether to prosecute but also a number of ancillary decisions e.g. whether or not to oppose bail. Other issues considered are the extent to which the police succeed in identifying the correct charge at the outset and, if not, how effective prosecutors are in making timely rectification; the handling of particularly sensitive categories of offence; how effective the Area is in ensuring that lessons from cases with adverse outcomes are shared with all lawyers; and the soundness of its systems for recording (or endorsing) decisions on files and the reasons.
- 3.6 Assessing the quality of legal decision-making is difficult. Decisions frequently turn on legal or evidential issues which are essentially matters of professional judgement. It frequently occurs that different lawyers do, for perfectly proper reasons, take different views in relation to the same case. Our assessments in relation to quality of decision-making therefore consider whether the decision taken was one which was properly open to a reasonable prosecutor having regard to the principles set out in the Code for Crown Prosecutors and other relevant guidance. A statement that we disagree with a decision therefore means that we consider it was wrong in principle; we do not “disagree” merely because inspectors might have come to a different conclusion.
- 3.7 Against this background, we set out our findings.

Quality and timeliness of initial review

- 3.8 Generally the standard of decision-making is good. We examined the quality of the review decision in 100 files, covering cases that proceeded in the magistrates’ courts, the youth courts and the Crown Court. We consider that the evidential test was properly applied in every case.
- 3.9 We considered that the public interest test was properly applied in all 100 cases in the random file sample, although there were two cases in the discontinued sample where we disagreed with the public interest decision (see below).
- 3.10 We have some concerns about the timeliness of initial review. Twelve of the 100 cases in our random sample were reviewed for the first time after the initial date of hearing. Two of these cases were reviewed after there had been three court appearances. A third was not reviewed until after the fifth hearing.

- 3.11 Cases which are dealt with under the Narey provisions are generally reviewed the day before the first date of hearing. However, we were told that because prosecutors have to undertake some work which a caseworker would normally do, such as sending advance information to defence solicitors by fax, they are not always able to review all cases fully. We acknowledge that the Area's agreement to provide advance information the day before the hearing was reached in order to achieve speedier progress of cases. However, prosecutors having to undertake the task appears to be having an impact on timeliness, and presumably effectiveness, of review. The CCP will no doubt wish to consider how to overcome this difficulty.
- 3.12 Any cases that are not finalised (by sentencing or a guilty plea) at the first hearing are returned to the office for the PTLs to allocate to a reviewing lawyer. Cases that are due to be committed to the Crown Court are allocated to lawyers in the committals unit. The remainder are allocated to lawyers on the magistrates' courts units, generally to the advocate who handled them in court, although this is subject to individual caseloads.
- 3.13 The practice of files being allocated by the PTLs, instead of automatically being allocated to the advocate who has already prepared the case for presentation at court, can cause delay in cases being properly reviewed, cause duplication of effort, and weaken individual responsibility and case ownership. We think that a presumption in favour of automatic allocation to the advocate would avoid these problems. A clear duty would remain on the PTLs to monitor the equitable distribution of cases so that those advocates who regularly undertake heavier court sessions do not additionally carry heavier ongoing caseloads.
- 3.14 We suggest that the CCP re-examines the system for allocating files to lawyers in order to ensure that all files are reviewed and decisions made as soon as reasonably practicable, to avoid duplication of effort, and to support case ownership.**
- 3.15 We have noted the practice of ensuring that a lawyer is allocated at an early stage in serious cases, even before charge (see paragraph 2.5). This involvement continues after charge, and includes the instruction of counsel before committal in appropriate cases. This provides continuity of review and representation, which is conducive to good case management. We commend this practice.

Continuing review

- 3.16 There were some cases in our sample where weaknesses had been identified at an early stage, but no action had been taken to address or remedy them. In one case, evidential weaknesses in relation to charges of theft were not addressed until after committal (when the indictment had to be amended by adding replacement charges of dishonest handling of stolen goods). In another two cases, although evidential deficiencies were identified at first review they were not pursued: ultimately the defendants were acquitted after trial. In a fourth case, potential problems were not identified at first or subsequent review, and no action was taken after committal, despite counsel's advice that there was insufficient evidence. Again, the defendant was ultimately acquitted.

- 3.17 Although failure to keep cases under review, or to take action to remedy weaknesses, is not a major problem, it is important that prosecutors ensure that remedial action is undertaken and that only appropriate cases are proceeded with.

Selection of the appropriate charge and charging standards

- 3.18 Generally, representatives of the other criminal justice agencies consider that appropriate charges are selected, a view confirmed by our findings. We found that the initial police charge was incorrect in 28 out of 100 cases in our random sample, and that it was correctly amended in 23 cases.
- 3.19 The CPS and the police nationally have agreed charging standards for assaults, public order offences and some driving offences. These were correctly applied by prosecutors in all 34 relevant cases. The only case where we considered that the charge selected did not comply with the charging standards was in our discontinued sample and involved an allegation of assault. The appropriate charge should have been one of assault occasioning actual bodily harm, but the police had chosen a charge of common assault, and the prosecutor did not amend it.

Discontinuance

- 3.20 In the year to 30 June 2000, the Area's discontinuance rate was 8.6%, substantially lower than the national rate of 12.3%.
- 3.21 We examined 67 cases that were dropped in the magistrates' courts during the month of April 2000, to ascertain the reasons for discontinuance and to find out if the police were consulted about and agreed with the decision.
- 3.22 Twenty-eight cases (41.8%) were formally discontinued by notice under section 23, Prosecution of Offences Act 1985. Twenty-five (37.3%) were withdrawn at court and in fourteen cases (20.9%), the prosecution offered no evidence.
- 3.23 The police were consulted about the proposed discontinuance in fifty-eight cases (86.6%). The police objected to the decision to discontinue in only four cases (6%).
- 3.24 The reasons for discontinuance are set out in the table below:

Evidential:		Public Interest:		Prosecution unable to proceed:		Driving documents produced at court:	
Legal element missing	13	Nominal penalty likely	11	Victim refuses to give evidence/retracts statement	5	Produces documents at court	10
Conflict of evidence	3	Effect on victim's health	1	Victim fails to attend	3		
Identification difficulties	7	Defendant elderly/suffering significant ill health	1	Other civilian witness fails to attend	1		
Unreliable witness(es)	4	Genuine mistake / misunderstanding	1				
Other	1	Stale	3				
		Caution more suitable	3				
Total 28 (41.8%)		Total 20 (29.8%)		Total 9 (13.5%)		Total 10 (14.9%)	

- 3.25 The Area provided us with 82 files relating to prosecutions dropped against 94 defendants, as recorded in the performance indicators (PIs) for April 2000. Fifteen (18.2%) of these cases should not have been recorded in the discontinued category. They should have been finalised in other categories.
- 3.26 We were provided with only the police files in twenty-three of the cases which had been recorded in the PIs as discontinued. Eleven of these cases were minor traffic cases which should not have been recorded in the Area's PIs under existing CPS guidance (we deal with this aspect in more detail in the section on Performance Indicators in chapter 6).
- 3.27 The discontinuance rate for the Area would be even lower than it is if similar errors have been made throughout the year.
- 3.28 We examined 25 cases in more detail to determine whether the Code tests had been applied properly. We disagreed with the decision to discontinue in four cases. Two of the four cases involved allegations of assault and they were both discontinued as not being in the public interest to continue: one because the defendant was facing other charges (but not for violence), and the other because the defendant was cautioned.
- 3.29 The other two cases involved allegations of driving with excess alcohol. They had both been prepared for trial, and it was known in advance that the defence in each case was that the defendant had driven as a result of duress. The cases were dropped at court on the day of trial following discussions with the police. In our view, the issues should have been tested at trial.

- 3.30 A further two of the 25 cases were discontinued prematurely. One was a case where the victim of an alleged “road rage” assault failed initially to attend court, apparently because of the stress caused by the incident. The advocate should have sought an adjournment in order for enquiries to be made about the victim’s fitness and willingness to attend court. Instead, no evidence was offered, and shortly thereafter the victim did attend court. In the second case, the reviewing prosecutor should have requested police to make enquiries in order to establish whether a complainant in a domestic violence case had withdrawn voluntarily or had been pressurised into doing so.
- 3.31 It is Area policy that no case can be discontinued without two prosecutors agreeing that such a course of action is appropriate. The PTL on one of the magistrates’ courts unit is aware of many discontinuances on the team, and indeed provides the second opinion in some. The other PTL considers all proposed notices of discontinuance before divisional meetings with the police. We are pleased that some monitoring is being undertaken but, in view of our findings, the CCP will wish to consider introducing a more formal system, particularly where cases are dropped at court without a second opinion.
- 3.32 We commend the work with police and the Area’s system of requiring a second opinion which contribute to securing the low level of discontinuance. In the circumstances, we were surprised to find that generally there was very poor recording of the decision-making process and the reasons for discontinuance, which made it difficult in some instances to ascertain whether or not the decision had been correct. We consider the poor quality of review endorsements in more detail below.
- 3.33 We suggest that the CCP introduces a formal system of monitoring decisions to discontinue cases, particularly cases dropped at court, and the recording of reasons for discontinuance.**

Bail

- 3.34 We agreed with the decision made by the prosecutor in relation to whether to seek a remand in custody in 20 of the 22 relevant cases in our random file sample. We agreed with the decision in relation to cases where the police had given the defendant conditional bail in all 41 relevant cases. This accords with the view of representatives of the other criminal justice agencies, which is that prosecutors are independent in their decision-making and that appropriate and informative applications are made. We also observed one advocate make a structured and clear application for a remand in custody.
- 3.35 However, we were concerned about the decision by one agent in the magistrates’ court not to apply for a remand in custody and not to provide the magistrates with the full details about the alleged offence and the offender’s background. This was of particular concern as the agent did not take the opportunity to discuss the case with a Crown Prosecutor (we comment further about this in paragraphs 5.11 and 5.12).

- 3.36 Prosecutors do not endorse conditions of bail on the file jacket because magistrates' court staff provide them with a copy of the bail notice after each hearing. The notice sets out any conditions imposed by the magistrates. They are kept in the correspondence bundle on the file, not in a separate folder. This means that an advocate is not in a position to easily retrieve the notice in order to deal with any queries the court may raise.
- 3.37 We suggest that the CCP ensures that any bail conditions imposed by the court are easily identifiable in the file.**

Mode of trial

- 3.38 Magistrates' court users are satisfied that prosecutors are making proper representations about whether a case should be heard at the Crown Court or the magistrates' court, and that they provide magistrates with sufficient information to determine the issue. This was borne out both by our file examination (where we agreed with the decision in 66 out of 68 cases) and our court observations (where we noted an advocate quote the Lord Chief Justice's guidelines on mode of trial).

Adverse outcomes in the magistrates' courts and the Crown Court

- 3.39 The Area has fewer adverse outcomes than the national average, and we found that those that we examined were not due to poor review on the part of prosecutors. In the main, they were due to witnesses failing to attend court, or not giving evidence in accordance with their statements.
- 3.40 We examined 19 files and our findings are set out below.

Magistrates' courts: no case to answer in summary trials and discharged committals

- 3.41 The Area has the same rate of cases where magistrates found no case to answer as the national average: 0.2%. We examined two such cases. Both had evidential difficulties, but we considered that the Code tests had been properly applied in both cases. In one case the reviewing prosecutor had made detailed notes, setting out both the facts and the law, and had therefore provided clear evidence of a carefully considered decision.
- 3.42 Although the PIs showed that three committals had been discharged in the period we were considering, one was wrongly categorised and the Area was unable to provide us with any other files.

Judge ordered and judge directed acquittals

- 3.43 The Area has a lower rate of judge ordered acquittals than the national average: 8.7% compared with 13%. It also has a lower rate of judge directed acquittals than the national average: 1.5% compared with 2.3%. We examined 13 judge ordered and four judge directed acquittals. We considered that the Code tests had been applied properly in relation to the initial decision to prosecute in every case.

- 3.44 The case failed because one or more witnesses failed to attend court to give evidence in six of the 13 judge ordered and one of the four judge directed acquittals. We were pleased to note that prosecutors considered whether the witness' statement could be read to the court under the provisions of section 23, Criminal Justice Act 1988 in two cases. These provisions operate, subject to certain conditions, if the witness is out of the country or is too ill or too frightened to attend court.
- 3.45 We are concerned that so many of the cases we examined involved the non-appearance of witnesses. We were told that neither the Area nor the police have monitored the reasons, or taken steps to consider ways of reducing the number of such failures. We consider it important that efforts be made to identify the reasons for cases not proceeding at the Crown Court because of the non-attendance or reluctance of witnesses who have made statements to the police. The nature of the case or the character and lifestyle of the witness may reveal indications that greater support is needed for the witness. In some cases more active discussions between CPS staff and the Crown Court listing officer in relation to venue or timing of the trial might assist. We recognise that concerted joint action by several agencies is necessary.
- 3.46 We recommend that the CCP examines cases which are dropped / fail at the Crown Court when witnesses fail to attend:**
- * **to determine whether there is any action which could be taken on the part of the CPS or the other agencies; and**
 - * **to discuss with the other agencies implementation of action to reduce the number of cases failing because of witness non-attendance.**
- 3.47 In only one of the cases was the adverse result due to fault on the part of the CPS. In that case a request by the defence for a prosecution witness to be warned to attend court was overlooked, and a request for an adjournment was refused. In the remaining cases, circumstances changed after committal (in six cases) or witnesses failed to give evidence in accordance with their statements (in three cases).
- 3.48 In one of the 17 cases the weakness in the case appeared not to have been fully considered by the reviewing lawyer: there was no review endorsement covering the issues. In a second case it was clear that the reviewing prosecutor had researched the relevant law but there was no endorsement setting out the prosecutor's reasons for deciding to proceed. Both cases are examples of appropriate decision-making not being properly evidenced. This is a topic we consider in more detail immediately below.

Review endorsements

- 3.49 The standard of review endorsements in too many cases was poor. We made the same finding in the 1997 Branch report. Evidential considerations were fully endorsed in 62 of the 100 cases we examined, public interest considerations in 24 cases and considerations on mode of trial in 36 out of 71 relevant cases. In contrast, we saw some examples of very detailed review endorsements, including references to issues relevant to the Human Rights Act 1998.

- 3.50 We noted a failure to endorse further reviews, in circumstances where we could ascertain from other information that those reviews had taken place. We do not expect long discussions in straightforward or minor cases, but we have noted in paragraph 3.32 the difficulties we encountered in ascertaining the decision-making process in discontinued cases. We have also commented on the lack of endorsements setting out the issues in some difficult cases (see paragraph 3.48).
- 3.51 We accept that the poor review endorsements do not necessarily reflect poor quality or flawed decision-making. However, at the very least they make it difficult for anyone else dealing with the file to determine the issues in the case and the reasoning behind any decisions that have been taken about its conduct. At worst, they mask a lack of detailed consideration of issues and law.
- 3.52 Reviewers should be aware that, with the implementation of the Human Rights Act 1998, the records of review decisions may be subject to increased scrutiny. They will, therefore, wish to ensure that their records are of an appropriate and professional standard. The CCP has set a good standard in his own reviews of cases he prosecutes in court, and many prosecutors do the same. The Area Management Team (AMT) will want to take positive action to ensure all prosecutors attain these standards.
- 3.53 We recommend that the CCP ensures that prosecutors and caseworkers make full records on files of review decisions at all stages of case progress.**

Learning from experience

- 3.54 The Area has made efforts to learn from experience. Case reports are completed in respect of all adverse outcomes in the magistrates' courts and Crown Court. A monthly summary of the Crown Court cases is prepared and this is discussed in detail at divisional meetings with the police. We have mentioned at paragraph 3.45 that the issue of witnesses failing to attend court needs to be tackled in conjunction with other agencies. Trends are also discussed at team meetings.
- 3.55 Although the monthly summary is sent to the Deputy Chief Constable, the CCP is concerned that these are not discussed more widely and that therefore the Area and the police are losing an opportunity to identify trends and learn any lessons arising. The CCP may wish to consider extending the remit of the recommendation we made in paragraph 3.46 to include all dropped/failed cases at the Crown Court.

Sensitive and aggravated offences

- 3.56 The CPS nationally recognises that certain types of offence require particular care and attention in handling because they are of a sensitive nature. The principal categories are cases involving child abuse, domestic violence and offences with a racial motive.

- 3.57 Specialist prosecutors handle cases involving child abuse. Cambridgeshire was the first area in the country to introduce a protocol agreed by the criminal justice agencies for their fast-tracking and we noted that Area files are flagged up in order to ensure that they are given priority. We were told that generally the Area ensures that cases are transferred to the Crown Court where appropriate, although we noted one case in our sample where the transfer provisions had been used when they did not apply.
- 3.58 Although the Area does not have specialists for dealing with domestic violence cases, individuals' experience and expertise are considered when allocating them. Although we saw one instance of a premature decision to discontinue a domestic violence case (see paragraph 3.30) we are satisfied that prosecutors are aware of CPS policy in relation to such cases and that they generally do apply it. Indeed, we were specifically told by magistrates' courts' representatives that prosecutors do not automatically discontinue if a victim fails to attend court, but that they seek an adjournment in order to make further enquiries.
- 3.59 CPS staff have been trained, and have provided training to the police, on how to handle racially motivated offences. Some of the other criminal justice agencies were satisfied that offences specifically including racial aggravation are charged where appropriate. Magistrates' courts representatives, however, suggested that on occasions a basic offence was being charged (with the aggravating features being brought out), in circumstances when it would have been more appropriate to charge a racially aggravated one. We saw one instance of a prosecutor replacing a racially aggravated offence with a basic offence. We agreed with the decision, but are critical of the fact that there was no analysis of the evidence or details recorded for the decision. We also noted that there had been no consultation or liaison with the police. Although the case was disposed of at the first date of hearing, we consider that the prosecutor should have discussed the issues with the officer in the case. This would have assisted the officer in reaching a better understanding of the evidence required, and enabled a proper explanation to be passed to the victim.

Youth justice

- 3.60 Youth justice has assumed a high priority within the criminal justice system, with the government setting targets to improve performance that require close inter-agency co-operation. The government has set a target to halve the time between arrest and sentence of persistent young offenders from an average of 142 days to 71.
- 3.61 In Cambridgeshire, the average time to deal with persistent young offenders in the quarter ending 30 March 2000 was 74 days, against a national average of 96 days. This is a good result, yet it appears to have been achieved without the Area taking real steps towards making youth cases a priority. In particular, we noted that cases involving persistent young offenders were not always flagged up on the file jacket and there is no monitoring of progress.

- 3.62 Other Areas have nominated youth specialists with the responsibility for liaison and co-ordination of the efforts to be made in respect of youth justice generally. CPS Cambridgeshire has not done so, and we consider that by nominating a specialist the good results already achieved locally could be built upon.
- 3.63 Most prosecutors have completed youth specialist training, but we noted examples of youth cases being reviewed by non-youth specialists. Although none of the decisions caused us any concern the CCP will wish to ensure that only youth specialists deal with youth cases. We register concerns about inexperienced advocates prosecuting in youth courts at paragraphs 5.15 and 5.16 below.
- 3.64 We suggest that the CCP nominates an Area youth co-ordinator to instigate good practice and to liaise with other agencies in order to ensure that all youth cases, and in particular those relating to persistent young offenders, are dealt with as expeditiously as possible.**

PREPARING CASES

General

4.1 Good quality decision-making is of limited value if the subsequent handling of cases is not thorough and professional. In this section of our report we consider the performance of the Area in relation to specific stages in the progress of cases from institution of proceedings through to their conclusion. Some aspects of case handling relate only to cases in the Crown Court, while some relate to both. They range from the provision of advance information through compliance with prosecution obligations in relation to disclosure, committal preparation, quality of indictments, instructions to counsel, arrangements for plea and directions hearings and the presence of the CPS in the Crown Court.

Advance information

4.2 It is a legal requirement that advance information is provided in either way cases. The CPS guideline for its service is within seven days of receipt of the file and notification of the defence solicitor. The Area's target for the year ending 30 March 2000 was 69%. It achieved timely service in 79.9%, which is well in excess of its target, and a 10% increase since the year ending 30 March 1999 (66.1%). We found that service was timely in an even higher percentage in the cases we examined: 87% (60 out of 69 cases).

4.3 The improvement in timeliness is in part due to the introduction of Narey cases. In most Narey cases advance information is ready for service at the first date of hearing. Indeed, as we have already noted, the Area has entered into an agreement that ensures even more timely service in some cases: it faxes advance disclosure to defence solicitors the day before the hearing in any case where their identity is known.

4.4 The introduction of the procedure in Narey cases has meant that advance information is served in all such cases, even if the law does not require it. The Area has always provided such information, and we are pleased to note that it continues to do so in non-Narey cases.

Disclosure of unused material

Overview

4.5 The Area's performance in relation to disclosure is broadly comparable to that found generally within the CPS. Most of the issues were covered in the Inspectorate's report on the Review of the disclosure of unused material (Thematic Report 2/2000). The Area has taken steps to implement the main provisions of the thematic report and has drawn up an action plan setting out the steps required to improve its performance. As well as addressing its own needs, the Area has supplied the action plan to the police in order to ensure that the two agencies work together to improve the overall performance of the prosecution. We are pleased that the Area is encouraging joint working and training, which is welcomed by the Chief Constable. The CCP will want to ensure that the joint action proposed is undertaken quickly and effectively.

- 4.6 In Crown Court files, unused material schedules are kept in a separate and distinctive folder, together with copies of any material supplied by the police. A pro-forma is kept at the front of the folder, and is used to record the stages of disclosure and the dates action was taken. We found that defence statements are not always kept in the folder, and that the pro-forma was not always fully completed. We also noted that correspondence relating to unused material is kept in a general correspondence bundle.
- 4.7 The use of a separate folder for documents relating to unused material was recommended in the thematic report, and we are pleased to note that the Area has introduced the current system. The report also recommended that the related correspondence should be kept within the folder, which would enable any person using the file to quickly retrieve and assess all of the information relating to disclosure of non-sensitive material. The current practice should be considered for summary trial files, and extending it to include related correspondence should be considered in all files.

The quality of decision-making in relation to disclosure of unused material

- 4.8 Although the police submitted schedules of unused material in all but one of the relevant 92 cases, the schedules were of poor quality and needed amending in 43 cases. The main reason for the need for amendment was that the material was not fully described. On the positive side we found examples of material which is difficult to adequately describe as to its contents being copied and sent to the CPS. This ensured that in some instances prosecutors were in possession of copies of the material at the time of making their decisions. However, in others they were not and we are concerned that prosecutors were therefore making uninformed decisions about disclosure.
- 4.9 We also had concerns about the way in which some prosecutors were completing the unused material schedules. Many of the schedules in our sample were marked in a way that indicated that some items were being disclosed, some were being made available for inspection, while the remainder were being withheld. It is not usual to mark items in this way when considering disclosure under the Criminal Procedure and Investigations Act 1996 (the CPIA). Material either satisfies the tests for disclosure under the CPIA, or it does not. The endorsements on unused material schedules lead us to question whether or not prosecutors were properly applying the CPIA tests at the primary and secondary stages.

Primary disclosure of unused material

- 4.10 Primary disclosure was undertaken in 85 out of the 91 cases where the police provided an unused material schedule. We could not ascertain the position in one case. It was not made in five cases.
- 4.11 Disclosure was not always dealt with properly in minor traffic cases: this was the case in five out of ten traffic files that we examined. We were particularly concerned in one instance, where an unrepresented defendant had made repeated requests for disclosure. There was no indication that the proper process of primary disclosure had been undertaken. Not only was disclosure not made, but the prosecutor also mistakenly

informed the defendant that he was not entitled to disclosure of a certain item unless he had provided a defence statement. This is incorrect, as the prosecution has to make primary disclosure before a defence statement falls to be served and there is no short cut for a prosecutor to assume that there is no material which might undermine the prosecution case. This adds to our concern that prosecutors may not be applying the provisions of the CPIA correctly.

- 4.12 The disclosure provisions apply in all summary cases where a defendant has entered a not guilty plea. Although the penalties which can be imposed for offences tried in the magistrates' courts are lower than those at the Crown Court, this does not mean that summary cases are not important, or that miscarriages of justice cannot occur.
- 4.13 We were told that primary disclosure is made before the plea and directions hearing at the Crown Court. However, we were also told of occasions when orders of the Court were made for such disclosure to be made, and of delays to trials when disclosure had not been dealt with fully.

Secondary disclosure of unused material

- 4.14 As far as the other criminal justice agencies are concerned, the main issue in relation to secondary disclosure is the limited nature of disclosure. We were told that the usual response to a defence statement is that there is nothing to disclose that might assist the defence, and that it is only after counsel has been instructed that appropriate disclosure is made. This adds further weight to our concern that prosecutors may not be applying the CPIA appropriately.
- 4.15 We were concerned to find that secondary disclosure was not being dealt with in all cases. The defence statement was sent to the police in 40 out of 44 relevant cases, but the police responded in only 19 cases. We could not tell whether they had responded in one case. The Area provided secondary disclosure in 18 of the 19 cases where the police responded to the defence statement. However, taking into account every case in which a defence statement was served, the Area failed to provide secondary disclosure in 26 out of 44 cases (59.1%). We are surprised that the defence did not make a greater number of formal applications to the court, but we were also told that the provision of copies of relevant material causes delay and that sometimes this leads to trials having to be adjourned because the disclosure process has not been satisfactorily completed.

Handling of sensitive material

- 4.16 The police should notify the CPS of any material which they consider to be sensitive or confirm that there is no such material. The police provided a schedule of sensitive material in 18 out of 21 relevant cases. They also provided confirmation that there was no such material in appropriate cases. However, prosecutors gave proper consideration to the issues regarding sensitive material in only seven out of 17 cases (we could not ascertain the position in the remaining case).

- 4.17 In three of the cases where we were satisfied that the prosecutor had properly considered the issue, the sensitive material schedule had not been endorsed to that effect. We were able to ascertain that appropriate decisions had been made by examining other information on the file.
- 4.18 We were very concerned about one case in which there were no endorsements or records on the file that the issues regarding sensitive material were ever resolved. In particular it was never confirmed whether or not the disclosure officer considered that the material might undermine the prosecution case (and therefore might be disclosable). Although the prosecutor raised the issue with the police, it was not pursued. We could not see that the prosecutor was ever made aware of the detail of the material and/or made an informed decision about whether it fell to be disclosed to the defence.
- 4.19 We were told that public interest immunity (PII) applications are handled appropriately. However, in one case in our sample, although a PII application was made, there was no evidence that a prosecutor had actually considered the material or had made the decision to make the application.
- 4.20 The committals unit PTL has drafted a guide on the procedure for the handling of sensitive material and the need to examine certain material in order to determine whether or not a PII application is required. This was recommended in our thematic report and we are pleased to see that the Area has taken steps to implement it.

Third party material

- 4.21 Our thematic review highlighted the difficulties that can arise when relevant material exists but is not in the possession of the prosecution, including the police. This is known as “third party material”. We recommended that CCPs take steps to develop protocols with local organisations that commonly hold such material. We are pleased to note that the Area has initiated discussions on a protocol with the Local Authority for the sharing of information in child protection enquiries. We commend this initiative.
- 4.22 **We recommend that the CCP ensures that:**
- * **all prosecutors receive renewed training on the provisions of the CPIA;**
 - * **prosecutors always discharge their duties of disclosure effectively at both the primary and secondary stages;**
 - * **prosecutors always discharge their duties of disclosure in relation to sensitive material in relevant cases; and**
 - * **a clear record is maintained of the decisions taken, and the reasons for those decisions, in relation to all disclosure issues.**

Summary trial preparation

- 4.23 Summary trials are generally well prepared. The police are given prompt warning of the need to prepare a full file, but the standard of the files prepared by police is not good.
- 4.24 The correct witnesses are warned to attend court, and appropriate notice is given to the police to enable them to notify the witnesses that they are required to attend court. Witness warning was timely in 33 out of 35 cases in our sample. Prosecutors are also making appropriate decisions about which witnesses can have their statements read under the provisions of section 9, Criminal Justice Act 1967 rather than requiring them to attend court. We found that appropriate use was made of the provisions in all 33 relevant cases.
- 4.25 The Area makes use of a summary trial pro-forma to check that all necessary work has been undertaken. Although this is not always fully completed it is an effective means of ensuring that cases are ready for trial. The Area also gives summary trial cases an action date of three weeks before the trial. The file is then returned to the reviewing prosecutor, who is responsible for ensuring that the case is trial ready.
- 4.26 The courts in the northern part of the county hold pre-trial reviews which are very effective. The courts in the southern part of the county have stopped holding them and endeavour to fix trials as soon as a defendant enters a not guilty plea. This is sometimes at the first date of hearing, although lack of police witness dates to avoid can mean that cases are adjourned simply to fix a date for trial.

Committal preparation

- 4.27 The CPS nationally has set a target of serving committal papers on the defence within 14 days of receiving the complete file from the police when the defendant is on bail, and within ten days if the defendant is in custody. We found that committal preparation and service was timely in 39 out of 41 cases where we could ascertain timeliness.
- 4.28 It is clear that the Area is gradually improving its performance in this regard. Its target for the year ending 30 March 2000 was 50%, and it achieved timely service in 63.2% of cases. Not only is this an increase from the achievement of 50% in the preceding year but we note that 80% of committals were timely in the last quarter of the year.
- 4.29 Committals are prepared using a CPS Crown Court case preparation package (CCCPP). Before the introduction of the committals unit caseworkers prepared most committals, under the supervision of a prosecutor. In an effort to ensure more timely committal preparation, most committal preparation is being undertaken by prosecutors. Whilst we acknowledge the practicalities behind this, we are concerned that it is removing from caseworkers an opportunity to develop their skills and to deal with work which provides them with job satisfaction. We also consider that the practice could reduce efficiency as prosecutors are now spending time on administrative tasks, or routine issues of checking exhibits.

4.30 We suggest that the CCP examines the way committals are prepared in order to ensure that lawyers are not spending time on administrative tasks or routine issues, and caseworkers are undertaking work which develops and uses their skills and provides them with job satisfaction.

Instructions to counsel

4.31 We were very disappointed with the poor quality of the instructions to counsel, particularly as we recommended that steps be taken to improve them in the 1997 Branch report. Overall, we found that only 17 out of 51 sets of instructions to counsel were of an acceptable standard or better.

4.32 Only 21 sets of instructions contained a summary that adequately covered the issues and only four out of 28 relevant cases dealt with the acceptability of pleas. It is important that instructions to counsel should contain sufficient information to enable counsel to understand the issues in a case quickly and to be able to deal with any offers of pleas.

4.33 All of the committals we examined had been prepared before the introduction of the committals unit. The Area has adapted a new version of the CCCPP and was due to introduce it shortly after our inspection. The package provides for the reviewer to insert more free-text and fewer standard paragraphs than earlier versions. The new CCCPP should assist in improving the quality of instructions to counsel, but we consider that their quality should be monitored.

4.34 We recommend that the CCP implements a system to monitor instructions to counsel to ensure that briefs are of a consistently high standard.

4.35 We noted good performance in our sample in relation to the timely delivery of briefs to counsel. The CPS agreement with the Bar is that they will be delivered to counsel within 14 days of committal (21 days in some more serious cases). We found that all but one brief were delivered within the time guidelines. This is a better performance than that achieved by the Area in the year ending 30 March 2000, when it achieved a creditable result of 89.8%. Whilst this is marginally lower than performance in the previous year (90.7%), it is significantly better than the national target of 80% and performance of 71%.

Quality of indictments

4.36 The Area's performance in the timely lodging of indictments is noteworthy: 51 out of 52 indictments in our file sample were lodged on time.

4.37 In contrast, we are concerned about the quality of the indictments. We found that 18 out of 52 indictments (34.6%) needed amending. Although we are not critical of the need for amendment in eight instances, in ten cases amendment could have been avoided. This is a poor performance compared with that of other Areas.

- 4.38 Of the ten cases where we are critical, five indictments were amended to correct minor cosmetic errors. Another two were amended to increase the level of charge, and one to reduce the level. The remaining two were amended because prosecutors had failed to identify the appropriate charges before committal.
- 4.39 The quality of the initial drafting of indictments is not monitored, nor are amendments. This means that the Area is not taking steps to ensure that indictments are drafted properly, nor is it learning any lessons from the amendments that are being made.
- 4.40 We recommend that the CCP ensures that amendments to indictments are monitored in order that indictments are drafted more accurately and lessons are learnt.**

Plea and directions hearings (PDHs)

- 4.41 The Area deals well with PDHs, and in particular it complies with any orders made. We found that it had complied with the orders made in all 12 relevant cases. Compliance was late in four cases, but in only one instance was this due to a failure on the part of the Area. We also noted one example of the Area seeking an extension of time for compliance with an order to serve additional evidence, in circumstances where its inability to comply within the original time limit was not due to any fault on its behalf.
- 4.42. The Area has achieved its good results by monitoring both its compliance and that of the defence. It is also assisted to some extent by the practice at Peterborough Crown Court of assigning a case progression officer to each case, whose responsibilities include ensuring compliance with PDH orders.

CPS in the Crown Court

- 4.43 The majority of the Area's cases are heard at the Crown Court sitting at Cambridge and Peterborough. However, the most serious cases are committed to Norwich and Northampton. Additionally, cases are regularly transferred to Kings Lynn. The Crown Court occasionally sits at Wisbech, and the Area has recently had one or two long cases heard elsewhere.
- 4.44 We were told of increasing problems at the Crown Court, consisting mainly of failures in witness warning or late conclusion of disclosure. We were concerned about the lack of fax and copying facilities at the CPS offices at court which might be adding to communication difficulties. We do not minimise the problems for the CPS brought about by the listing and venue of some cases. The new committals unit, plus clearer case responsibility and management by the experienced caseworkers, should help overcome some of these problems. An increased priority to Crown Court issues generally is needed to raise standards of preparation and to support a more proactive approach in working with court listing officers.

- 4.45 The Area has endeavoured to cover cases heard at all the various Crown Court centres. This means that caseworkers sometimes have to travel long distances to court, with the subsequent reduction in the amount of work they can undertake. Despite this difficulty, the Area aims to have a caseworker covering each courtroom in the Crown Court. Members of the other criminal justice agencies told us that most caseworkers have a high standard and that there is good liaison between them. We noted that caseworkers make very full and detailed notes of the trials they are covering, making it easier to deal with any issues arising at a later stage. However, this could be at the expense of good file endorsement and management (see paragraph 4.60).
- 4.46 Caseworkers would like to cover their own trials at the Crown Court, but in practice this is not happening. In order to provide meaningful assistance to counsel, caseworkers should so far as possible cover their own cases in the Crown Court or have a reasonable degree of familiarity with the papers. Bearing in mind the number and type of cases there are in CPS Cambridgeshire per caseworker, we consider that, with proper management, caseworkers should be able to maintain continuous responsibility for the majority of their cases throughout, including the Crown Court trial.
- 4.47 We suggest that the CCP develops arrangements so that caseworkers retain responsibility for the management of their own cases throughout, including instructing counsel at court where feasible.**

Custody time limits

- 4.48 Custody time limit (CTL) provisions regulate the length of time during which an accused person may be remanded in custody in the preliminary stages of a case. Failure to monitor the time limits, and, where appropriate, to make an application to extend them, may result in a defendant being released on bail who would otherwise remain in custody. We examined a total of ten files, which were subject to custody time limits, five magistrates' courts and five Crown Court files.
- 4.49 Level A caseworkers on each team identify defendants subject to custody time limits. They calculate the expiry and action dates using the national ready reckoner. These details are then entered onto SCOPE and put into the CTL diary. There are no management checks to ensure that calculations have been made correctly.
- 4.50 Two expiry dates were incorrectly calculated (one magistrates' courts case and one Crown Court case). Both were one day beyond the actual expiry date. All cases had the expiry date displayed on the front of the file. Action dates were only calculated and displayed on the front of magistrates' courts files. These were all correct, apart from the one where the expiry date was incorrect. Action dates are not noted on the front of Crown Court files: they are only noted in the CTL diary.
- 4.51 Each file is given a fluorescent sticker on the jacket spine and a recent addition to the system is that a yellow folder is placed onto each file with a sheet giving details of all CTL information. The SCOPE action and expiry dates printed on the label are highlighted. This ensures that CTL files are easily recognised.

- 4.52 Expiry dates and action dates are noted in the CTL diaries, which are checked daily by a level A caseworker. On the relevant action date an action sheet is given to either the reviewing lawyer or caseworker. The diaries are checked by level A caseworkers on each unit on a daily basis. On the committals unit they also check the SCOPE printouts on a daily basis. The B2 caseworker checks the diary once a month, however there are no cross checks with the actual files. There should be more checking of the systems at a management level, in order to ensure that errors are not made. We were also critical of the monitoring system in the 1997 Branch report.
- 4.53 Custody cases are entered onto SCOPE but there was no evidence that these records are kept up to date. Therefore it cannot be relied on as a means of monitoring custody cases. There is no secondary back up to the diary system being used at present: if the SCOPE system was kept up to date it would provide an effective back up.
- 4.54 Four of the magistrates' courts and two of the Crown Court cases examined were subject to requests to extend the custody time limits. Three requests were hand-written on pro-forma sheets. Most of the notices accompanying the applications did not contain a complete chronology of the case. All applications were served within the statutory guidelines except for one Crown Court case which had already had one extension granted. The trial date had been set beyond the CTL extension date and no CPS action was taken until two days before expiry. An oral application was made in court and fortunately, even though defence objected to the application, the judge granted a further extension up to the trial date. Lack of management checks and poor Crown Court endorsements contributed to what could have easily resulted in a CTL failure.
- 4.55 None of the cases which were subject to applications to extend the expiry date included specific instructions to the advocate at court, nor were the files subsequently marked clearly with the new expiry dates.
- 4.56 In general, endorsements on magistrates' courts files were clear with regard to custody status. We were pleased to see that a level A caseworker had noticed the change of custody status as endorsed on the file in two of the magistrates' courts cases examined, and had taken appropriate action. Endorsements on Crown Court files were clear, but location of the minute sheet makes it difficult to ascertain what happened and on which date.
- 4.57 In October 1999 CPS Management Audit Services (MAS) produced guidelines which set out good practice in relation to custody time limits. The Area systems reflect many of the good practices set out, but there is a need to implement management checks and a back up system with ongoing training for all staff.
- 4.58 We recommend that the ABM ensures that line managers on each unit take overall responsibility for checking that CTLs are accurately recorded and updated.**

File endorsements and file management

- 4.59 The standard of file endorsements in magistrates' courts cases is good, with court endorsements being clear in 83% of cases and the file contents being logically located in 85%. The position is not so good in Crown Court files, with the corresponding figures being 61.1% and 64.8%.
- 4.60 There is no set place in Crown Court files for minute sheets, and no separate sheets for records of work done in the office. Although caseworkers make good and detailed notes of court hearings, they do so on separate pieces of paper, which are filed in the correspondence bundle. We found it very difficult to ascertain what or when action took place, or sometimes even the sequence of court hearings.
- 4.61 We recommend that the CCP takes action to improve the quality and clarity of file endorsements on Crown Court files.**

Correspondence

- 4.62 We were told by defence solicitors that the Area is particularly efficient at dealing with correspondence and telephone calls. This has been achieved by a real effort being put into linking post with files: we noted little outstanding post. It has also been helped by the use of a pro-forma letter which is sent in response to routine enquiries: this means that correspondence is acknowledged even when the Area is unable to deal immediately with the enquiry itself. We commend this efficient handling of correspondence.

Provision of information to the Probation Service

- 4.63 The CPS nationally has agreed that it will provide the Probation Service with details of the case and the antecedents of the defendant where a magistrates' court orders a pre-sentence report or the defendant is committed to the Crown Court. The information assists the Probation Service in preparing a balanced report for the court when sentencing the defendant.
- 4.64 We were told that some pre-sentence reports have to be written without the benefit of this information. We encountered some difficulty in ascertaining whether it had been given in 41 instances in our sample.
- 4.65 Area instructions are that committal bundles should be sent direct to the youth offender teams in youth cases being committed to the Crown Court, to enable the pre-sentence reports to be prepared expeditiously. We were told that in practice this is not always happening, which means that some delay is occurring in report preparation.
- 4.66 We recommend that the CCP checks the relevant systems and practices to ensure that the necessary information to prepare pre-sentence reports is made available to the Probation Service and youth offender teams at the appropriate time.**

PRESENTING CASES

The quality of advocacy in the magistrates' court

Crown Prosecutors

- 5.1 During the course of our inspection, we observed 15 CPS prosecutors, including the CCP, two DCWs and three higher court advocates (HCAs). We visited five magistrates' courts at Cambridge, Ely, Huntingdon, Peterborough and Wisbech.
- 5.2 We were told by other court users that the standard of advocacy was good and that the Area's prosecutors were satisfactory and, in a few instances, excellent.
- 5.3 For the most part, the prosecutors were well prepared, and we saw few examples of cases being transferred from other courts. However, we were informed that heavy court lists and other casework pressures could adversely impact on the prosecutors' ability to be fully prepared for the next day's court list. We saw one example where this appeared to be the case. Overall we found the standard of advocacy to be satisfactory, and in some instances of a higher standard.
- 5.4 Most of the CPS advocates were from the magistrates' courts units, but we were told that the prosecutors from the committals unit attended the magistrates' and youth courts regularly, at their own request.
- 5.5 We observed two effective trials during our inspection. In the first case, the matter was proved in absence and the prosecutor dealt sensitively with elderly witnesses. The advocate was also scrupulous in his handling of the rules of evidence and admissibility. The second trial related to a charge of theft and common assault. The defendant's solicitors made an application for an adjournment, on the basis that the defendant was at hospital and unable to attend the trial. Present at court were two civilian witnesses and an interpreter. The prosecutor requested that the matter was investigated. The arresting officers attended the hospital and, when the defendant was not present, attended his home address. The defendant was brought to court and the trial proceeded.
- 5.6 The CCP prosecutes cases at the magistrates' court generally one day per week. This enables him to monitor the quality of CPS casework, as well as maintain his profile in the summary courts and we commend the CCP for this practice. He also attends the Crown Court and will want to review the balance of his commitment in order to increase his attendance in the Crown Court so that he can check and assess the readiness of cases for trial.

Designated caseworkers

- 5.7 The Area has three DCWs and we observed two of them presenting cases in the magistrates' courts. In both cases, we considered that they were well prepared and presented their cases in a clear and fluent manner and were able to assist the magistrates with any requests for further information.
- 5.8 We were told by other court users that the standard of advocacy amongst the DCWs was good and we would concur with this view. It was, however, noted that there are occasions when the court lists do not contain enough cases to keep the DCWs occupied throughout the court session. This can result in court time not being fully utilised, as cases either have to be transferred to another court, or adjourned to another date.

Agents in magistrates' courts

- 5.9 The Area informed us that, in addition to instructing junior barristers (from designated chambers in Peterborough and Cambridge) and experienced local solicitors, they also instruct a core of former Crown Prosecutors, who have extensive experience of CPS practices.
- 5.10 We observed three agents prosecuting cases in the magistrates' and youth courts. In each case, we were satisfied that the agents were competent, and well prepared. Other court users were of the opinion that the standard of agents was variable, but generally satisfactory.
- 5.11 We were, however, concerned that one agent in particular was called upon to take decisions that went beyond the proper authority of an agent. The agent seemed to be handling a demanding remand list in circumstances where two Crown Prosecutors were dealing with what appeared to be much lighter lists in adjoining courts.
- 5.12 The agent dealt with one case involving an attempted burglary of an occupied dwelling house at night. The police requested that an application was made for a remand in custody, whereas the agent advised the police that a remand in custody should not be sought. We would have objected to bail and we were concerned that the court was not given all the relevant information to make an informed decision on the issue of bail. In our view, this matter should have been referred to a Crown Prosecutor, given the nature and seriousness of the allegation and the conflict of views.
- 5.13 We were told that the Area does not provide training for new agents, although sets of chambers are sent an Action Package, which provides information regarding the Area and its requirements. These are currently being updated. The AMT may wish to consider implementing the practice of other Areas, whereby newly instructed agents attend induction courses provided by the Area.

Agents in the youth courts

- 5.14 All members of the criminal justice system properly treat cases involving young offenders as a priority. We understand that the Area makes every effort to ensure that suitably experienced prosecutors appear in the youth court.
- 5.15 However, we are aware that agents are occasionally instructed to prosecute youth court cases, and observed one example where a barrister, who had not yet completed pupillage, was conducting a youth court remand list.
- 5.16 Some court users raised concerns regarding the instruction of agents in the youth court, because some agents did not seem to be as conversant with the current practices relating to young offenders as Crown Prosecutors. Others noted that late access to files could be an added difficulty. The youth co-ordinator whose appointment we suggest at paragraph 3.64 will want to examine these issues.
- 5.17 We recommend that the CCP ensures that experienced prosecutors appear in youth courts, and where, exceptionally, agents are instructed they have appropriate experience and expertise.**

The quality of advocacy in the Crown Court

Crown Prosecutors

- 5.18 The Area currently has three HCAs, who conduct a variety of cases at the Crown Court. These include PDHs, committals for sentence, guilty pleas and appeals against conviction and sentence.
- 5.19 Members of the judiciary were complimentary about the standard of advocacy of the HCAs at the Crown Court. We observed all three HCAs presenting cases, although in one case very briefly, and found that they were all competent and keen to ensure that their cases were well presented.
- 5.20 We were told that the Area intends to establish a systems group to evaluate the current method used for deploying HCAs, to ensure that they are utilised to their full potential in the Crown Court. This will enable the Area's prosecutors to deal with an increasing number of cases in the Crown Court and should, in due course, lead to the HCAs being instructed as junior counsel in more serious cases.
- 5.21 Hopefully, the Crown Court's method of listing will also be adjusted to enable HCAs to prosecute cases in one court only. This will benefit all court users and should avoid unnecessary delays whilst prosecutors are appearing in other courts.

Counsel

- 5.22 We observed six counsel instructed by the Area in the Crown Court sitting at Peterborough and Cambridge. We found that the standard was variable. Most counsel we observed were accomplished and well prepared. However, in one case, we were disappointed with the approach of counsel instructed in a serious matter, who appeared to be rather defeatist in attitude beforehand and did not present the case with any vigour or assurance.
- 5.23 We were told that suitable counsel were usually selected for the right level of cases, but witnessed one example where inexperienced counsel appeared for the prosecution against more experienced counsel for the defence. This adversely affected the presentation of a trial involving a fairly serious allegation. Nevertheless, we were told that there is some targeting of specific counsel to prosecute in more serious offences, and indeed witnessed examples of this during our inspection.

Monitoring of advocacy standards

- 5.24 We have commented on the importance of monitoring of advocacy standards in our thematic review on advocacy and previous reports. The significance of regular and effective monitoring cannot be underestimated, given its intrinsic benefit to the performance of the individual concerned, as well as the Area as a whole.
- 5.25 We understand that the CCP monitors members of staff who wish to apply for rights of audience in the Crown Court. Moreover, the PTLs monitor CPS lawyers in their teams once per year, and canvas the views of other court users, as an indicator as to whether more frequent monitoring is necessary.
- 5.26 The CCP has also monitored the performance of counsel at the Crown Court on three occasions this year, once in January and twice in August. His reports are passed to the B2 caseworker, who is responsible for selecting counsel. Whilst we commend this practice, we consider that this process should be regularised.
- 5.27 We understand that there is no formal monitoring of agents, although the Area tries to ensure that a Crown Prosecutor is present in the adjoining court, to deal with any difficulties that may arise. Furthermore, there is no specific checking of agent's files before or after court, other than those actions that are taken in respect of all files.
- 5.28 We made a recommendation in our thematic review that formal monitoring systems should be adopted on the basis that it is obviously in the interests of the CPS to secure the services of competent counsel, as well as being in the public interest and the wider interests of justice. Our view was echoed by the National Audit Office in their report, 'Criminal Justice: Working Together' (HC 29 Session 1999-00) published 1 December 1999. We recognised that monitoring could be resource intensive, but pointed out that much could be achieved by managers taking advantage of opportunities arising from their own attendance at court premises – which might be for a variety of reasons. The CPS has

agreed with the Bar revised arrangements for the selection of advocates in the Crown Court, and these arrangements include the extent of monitoring to be undertaken.

- 5.29 We suggest that the AMT ensures that effective monitoring systems are introduced to assess the performance of advocates appearing on behalf of the CPS, including CPS prosecutors, agents in the magistrates' courts and counsel in the Crown Court, and, where appropriate, to provide feedback to the prosecutors involved.**

Returned Briefs

- 5.30 We found that 12 of the 40 counsel originally instructed appeared to prosecute at trial, and trial counsel appeared at the sentencing hearing in 12 of the 25 relevant cases.
- 5.31 We appreciate that a number of factors can contribute to this outcome, including listing practices and late changes of plea. Nevertheless, this represents a high rate of returned briefs, when compared to other Areas.
- 5.32 We were told that there has been an increase in the number of returned briefs. The responsibility for checking the overnight list and the availability of counsel for the next day's cases rests with an A level caseworker.
- 5.33 No doubt, the CCP will wish to ensure that the standard of advocacy in the area is not adversely affected by the rate of returned briefs and, if necessary, will take remedial action.

MANAGEMENT ISSUES

Management of the Area

Strategy and Planning

- 6.1 The period since April 1999 has been transitional and the CCP and ABM have had to develop their respective roles. The CCP undertakes a considerable amount of advocacy, and it is unusual if he is not in court once per week. However, he still strives to widen the scope of his court work and has some personal objectives to deal with some specific aspects of casework in the coming months. Whilst the ABM is able to deal with many of the management issues in the day to day running of the Area, the CCP still finds it necessary to devote more time than he would like to these issues at the moment.
- 6.2 The AMT comprises the CCP, ABM, three PTLs, the B2 Crown Court manager and the Area Office Manager (AOM), and meets on a regular basis to formulate actions and strategy and to monitor performance. Information is cascaded to staff via team meetings and by displaying the minutes of the AMT meetings on the notice board.
- 6.3 There was evidence that the business plans for 1999/2000 had been the subject of some review throughout the year, and amendments made as appropriate. We were pleased that the Area had produced a draft Business Plan early in the new financial year despite the absence of the top level HQ plan showing key targets and objectives. The draft was subsequently updated on receipt of the full CPS plan and is now a comprehensive document outlining the key issues and challenges for this financial year.
- 6.4 **We suggest that the CCP and ABM issue and distribute a synopsis of both the Area Business Plan and Diversity Plan, which shows the major priorities on a quarter by quarter basis.**
- 6.5 The Area's key priorities revolve around the requirements to implement the next stage of the Glidewell recommendations and the implementation of Connect 42. There has been some difficulty in balancing the needs of some CPS staff and those of other criminal justice system agencies, in finding a suitable solution with regard to the formation of CJUs. This has led to some protracted negotiations taking place and a number of possible solutions being investigated.
- 6.6 This has resulted in the CPS and the police agreeing to a compromise solution which may bring about some operational difficulties and inefficiencies when implemented, but which is acceptable to the police and caseworkers (both of whom had expressed concerns at previous proposals). Whilst recognising the difficulties faced by the CCP in finding a mutually acceptable solution, it is important that the performance of the Southern CJU in Huntingdon and the satellite in Cambridge are carefully monitored and changes are made if/where necessary.

6.7 We recommend that the CCP conducts a formal review of the effectiveness of the CJUs within six months of the implementation of the revised structure, to include:

- * the level of administrative support from police at the Cambridge satellite;**
- * the morale of prosecutors at the satellite;**
- * the effectiveness of any file movements between Cambridge and Huntingdon; and**
- * the volume of work and the responsibilities of support staff in the Southern CJU.**

Internal Communications

6.8 The AMT recognise the importance of effective communications and considerable efforts are made to try and keep staff informed via a mixture of oral and written communications. Team meetings are held, although there is a lack of consistency with regard to frequency, some of which may be attributable to the recent reorganisation. There seemed to be a fairly good understanding amongst staff of Area priorities, performance and targets.

6.9 Staff are encouraged to feed back issues to management, although there appeared to be a reluctance to do so. The original Glidewell plans were drawn up following a consultative process, although staff objections still arose late in the day as more detailed plans were formulated. There had been an Area Sounding Board, but this had recently voted itself out of being in its existing format, and a replacement was under review at the time of our visit. There are also quarterly Whitley Council meetings involving representatives of the Trade Unions.

6.10 We were told by a small number of staff that they felt the only time they saw or were spoken to by senior management was when something was needed urgently, or an error had been detected. Conversely, we were encouraged to see a number of examples of written communications from the CCP complimenting staff on positive performance. The Area is going through a difficult period of change and uncertainty. To help overcome actual or perceived lack of communication the CCP will want to encourage openness and two-way communication.

6.11 We recommend that the CCP ensures that regular Area meetings are held to facilitate effective two-way dissemination of information.

6.12 The Area secretariat uses a shared Groupwise diary facility on their IT network, which facilitates better planning of time and meetings, particularly if an individual is absent. This is good practice and we commend it.

6.13 The Area participates in a number of family group meetings with the other local CPS Areas, to exchange information and ideas.

Distribution of work

- 6.14 There was a feeling amongst some members of staff that the workload was not evenly distributed. This ranged from lawyers undertaking administrative tasks more traditionally completed by caseworkers, to concerns about perceived under- performance. Some of this was undoubtedly a result of the re-organisation in June, and the CCP was aware that they may not have the staff numbers right yet.
- 6.15 The Area has three DCWs to cover the Narey fast track process for relevant cases. The workload is variable and there is not always enough court work to keep the DCWs fully occupied. As a result of this, the DCWs have been given additional responsibilities, including the line management of some office-based caseworkers. Whilst we have no problem at all with the concept of additional duties, care must be taken to ensure that the individuals will be able in terms of time, location and skills to conduct these extra duties proficiently.
- 6.16 We consider that the role of the B2 Crown Court manager needs substantially greater clarity and direction. Management effort needs to be devoted to enabling the B1 caseworkers to manage their own cases and caseloads, so that they can assist the Crown Court listing officer in selecting appropriate dates and venues; check the progress and readiness of their cases; and attend court in the trials of their own cases.
- 6.17 We recommend that the CCP ensures that sufficient time and resources are devoted to the management of caseworkers in order that they receive the right level of guidance and direction in meeting objectives, and improving performance where appropriate.**
- 6.18 We recommend that the CCP ensures that a review is conducted in order to check that workload is fairly and sensibly distributed amongst teams and individuals (care should be taken if using PI data to assess volumes as it is known that there are backlogs).**

Systems and procedures

- 6.19 The Area experiences some minor difficulties in that external agencies do not operate to a consistent set of procedures, and this may have led to some confusion as the teams were recently re-organised. Having said that, we were not wholly convinced that internal variations were based on external factors.
- 6.20 Due to the transitional nature of the operation at the moment, the committals unit has found it necessary to re-examine and, in some cases, re-write its procedures. This work was ongoing at the time of our visit, but was reasonably well advanced.

- 6.21 One of the magistrates' court teams had recently produced a high quality desk top guide, which deals with a variety of operating procedures, for use by its team members. We commend this but we also feel that there is an opportunity to widen the use of the procedures with the other team, even though there may be some small variation brought about by local external agency requirements.
- 6.22 We suggest that the AMT ensures that, as far as possible, both magistrates' court units follow the same set of operating procedures, utilising the same desk top guide.**
- 6.23 Caseworkers do an excellent job of matching documentation and incoming post to files, and there was very little in the way of unmatched items. We have commended this in paragraph 4.62.
- 6.24 All post arrives at the post room and is date stamped and sorted into the different sections and then delivered. At each section the post is checked on SCOPE for the name of the lawyer/caseworker and linked to the file and/or the person. On one magistrates' court team, the person linking has to date and sign when the post is linked to file. On the Crown Court section the post is handed to the caseworker or the reviewing prosecutor without the file. Training has been given as to which pieces of post can be put directly onto the file. If the caseworker or prosecutor are not in the office then the post should be handed to the B2 manager, although there was no evidence to suggest that she actions the post.
- 6.25 Area staff record data with regard to various aspects of all the cases handled in the office in the SCOPE system. Whilst recognising that there have been some problems with the system in the past, it can provide a lot of useful data and reports to help monitor and manage performance.
- 6.26 We found a general lack of understanding of the functionality of the system amongst many of the staff interviewed, and what should be a useful management tool is being under utilised. We noted examples of reports (which clearly showed some of the problems identified in our report) being thrown away, without having been examined.
- 6.27 We recommend that the ABM ensures that SCOPE is used as an effective management tool.**

Management of financial resources

- 6.28 The Area had a solid financial performance in the year ending March 2000. They were under budget on running costs and marginally overspent on prosecution costs.
- 6.29 In the current financial year 2000/2001, following initial budget cutbacks, the Area was granted an extra £101,000 in July and was partially successful in applying for further funds from the centre to drive forward some performance improvements in agreed areas. As a result of this increased funding, the Area is now hoping to recruit an additional lawyer.

- 6.30 The budget is kept under constant review by the ABM and is a standing item on the agenda for AMT meetings. Considerable effort is clearly put into budget management and the ABM is to be complimented for his efforts in this matter. Recent meetings have highlighted concerns at the amount spent on travel and subsistence and agent's fees.
- 6.31 The Area had an extremely high spend on agent's fees last year and that trend has continued into the first quarter of this financial year. Whilst it is recognised that there have been some extenuating factors, such as Human Rights Act 1998 training, the Area will need to monitor this expenditure carefully to avoid budgetary pressures in the second half of the year. The CCP has stated that these costs are 'front loaded' for the first half of the year, but we are concerned that other issues such as Glidewell and Connect 42 may lead to high agent usage later in the year.
- 6.32 We suggest that the ABM and CCP carefully plan the expenditure on agents for the second half of the year to ensure that the budget is not compromised, taking into account known issues such as Glidewell implementation, witness care training and Connect 42.**
- 6.33 The Area also has a high spend on travel and subsistence for the volume of casework and geographical limits of the Area. It is recognised that a number of Crown Court cases are heard outside the Area, regularly at Kings Lynn, Norwich, and Northampton, and even at Birmingham recently. Another unusual factor is the high cost of parking at Cambridge (£15 per day in the centre close to the magistrates' court), and we were told that it was impractical to use alternative parking facilities or park and ride schemes. It was unclear to us whether the newly agreed arrangements for the Southern CJU would assist in finding more effective and economical solutions. However, the Area must continue to monitor and hopefully reduce expenditure in this area wherever possible, as they were almost 22% over budget at the end of July.
- 6.34 We were pleased to see that the Area has formed a Connect 42 project group to look at both the operational and financial implications of the likely changes. In preparation for the changes the Area has already purchased some additional furniture to accommodate the increased usage of personal computers.
- 6.35 The ABM has recently reminded staff of the requirement to complete the necessary paperwork in a timely fashion (including case management plans where appropriate) for cases with an expenditure of more than £10,000.

Management of human resources

- 6.36 The Area is recognised as an 'Investor in People', having received accreditation from the National Recognition Panel of Investors in People UK in March 2000. The Area is to be congratulated for its achievement in gaining this recognition.

- 6.37 Staff appraisals were completed in a timely fashion and, although they were not quite able to meet the completion deadline of 31 May 2000, the Area had returned 96% of due forms by 16 June, compared with a national average of 68%. The appraisals are now reviewed on a quarterly basis.
- 6.38 Staff absence through sickness is recorded and measured in conjunction with the Service Centre. The level of absence for the last financial year was 7.9 days per person compared with the national average of 10.2 days. The Area does have targets to comply with the overarching CPS aim to reduce sickness levels by the year 2003 by 30% from the 1998/99 baseline figure, but these are not stretching as long term sickness had a major impact in the base year.
- 6.39 We observed a number of examples whereby actions and procedures were not correctly carried out when an individual with a specific designated responsibility was absent from work. Examples include racial incident monitoring (RIM), complaints log completion and system back-up.
- 6.40 We recommend that the CCP identifies adequate and properly trained ‘deputies’ for specific responsibilities which are currently assigned to one person, to ensure that work still gets done correctly when a member of staff with a designated responsibility is absent.**

Morale

- 6.41 There were some concerns expressed by staff both at the time of the stress survey and during the Glidewell planning stage. It is likely that uncertainty lay at the heart of many of the points raised; others were more specific and related to work location, and resulted in some caseworkers leaving.
- 6.42 However, the CCP believes that the majority of staff have reacted well to the change process, and, whilst not complacent, he hopes that the corner has been turned. The CCP will want to ensure that staff are kept fully informed of the continuing changes and planning processes.
- 6.43 The management team make considerable effort to communicate with staff, although as is often the case the perception of some staff is that they have been ‘kept in the dark’ on some issues. The physical separation, i.e. managers on the third floor, does not help with open communication, and it may be worthwhile for the CCP and ABM to ‘walk the floor’ a little more frequently to encourage more informal discussions.

Training

- 6.44 The Area has historically relied upon the Regional Training team to deliver the majority of courses, based upon the needs as identified by individuals’ personal development plans (PDPs) on a regional basis. We welcome the fact that Cambridgeshire is about to start to introduce its own analysis of needs in order that training can be provided when it is not a regional priority. This is not a replacement, but a supplementary system to deal with training needs not covered by regional and national programmes.

- 6.45 All staff have received the appropriate training in preparation for the introduction of the Human Rights Act 1998 in October. Staff have also undergone training on diversity and equality issues.
- 6.46 The Area held a training day in the winter, which was deemed to have been successful, and it is planned to repeat the exercise in a slightly revised format later in the year.
- 6.47 A new Area Training Officer (ATO) has recently been appointed, and one of his first challenges will be to update current plans which only covered the first half of the year. An early understanding of the number of days needed for training will be important in assisting in the planning of resource allocation, including the need for agents. There is a get together planned in August for all the ATOs in the region to exchange ideas on training.
- 6.48 We suggest that the ABM produces a training plan that takes into account the needs of staff in meeting personal, team, Area and CPS objectives for the year, and plans resource allocation and expenditure accordingly.**
- 6.49 There are a number of local initiatives such as Crown Court awareness for caseworkers and the new CCCPP which need to be organised, in addition to the national issues of IT, witness care and new procedures in relation to indictable only cases.
- 6.50 As evidenced above, there are a lot of potential training issues and challenges in the coming six months and the ATO will need the support of the training committee and management in prioritising needs, and freeing up the appropriate resources.

Part time working

- 6.51 The Area has taken a positive approach to part time working. Almost 20% of the staff work on varying part time contracts, most of which involve working on a reduced number of specific days. This involves both prosecutors and caseworkers.
- 6.52 This can be a useful method of opening up employment opportunities to groups for which full time work is a problem. Unusually, in Cambridgeshire, a number of existing staff have used this open approach to part time working to reduce their hours to reflect their changing needs.
- 6.53 This policy is recognised as having both positive and negative impacts and could lead to some divisiveness, although we detected no great evidence of widespread concern at the time of our visit. Care will need to be taken if more staff wish to move to part time working that the work is still capable of fair distribution, and that courts are covered effectively. It could lead to the need for increased agent usage, which might be cost effective in some circumstances, but not others.

Use of agents

- 6.54 The Area is at present instructing a very high number of agents to appear on its behalf in the magistrates' courts. Expenditure in the financial year ending March 2000 was in excess of £114,000 and this represents the highest 'spend' per case amongst the 42 Areas.
- 6.55 Due to the initial budget cutbacks, the Area reduced its projected spend for this year to £50,000, but this has since been increased to £95,000 with the revised budget and performance improvement awards in July. This is still unlikely to be sustainable without change to current practices, indeed, at the end of July, the Area had already spent almost £40,000 on agent fees. We are aware of the CCP's comments with regard to front loading of spend as mentioned in paragraph 6.31, but urge the AMT to monitor this spend very carefully.

Selection and instruction of advocates in the Crown Court

- 6.56 The Area now has three staff trained as HCAs who are capable of handling some aspects of Crown Court work traditionally covered by counsel. In the last financial year, only one HCA had completed the training. The CCP is now in a position to use them more widely, and he intends to do so.
- 6.57 The business plan only calls for a 50% increase in HCA usage over the 11 sessions undertaken last year, and the CCP accepts that this is a soft target (even on a pro-rata basis) which should be comfortably exceeded, even though one of the three will be taking maternity leave.

Victims and witnesses

- 6.58 We found that the Area performance with regard to victim and witness issues was very positive, and this was supported by the views of external agencies. They believe that whilst the treatment of victims and witnesses in the magistrates' courts has always been good, there has been a marked improvement in the Crown Court of late.
- 6.59 Inspectors observed some sensitive handling by CPS advocates of witnesses giving evidence in court.
- 6.60 There are good communication links with the Witness Service and CPS staff often express their appreciation for the support they receive. The relationship extends to the Service Centre in Chelmsford, who are involved with the payment of witness expenses. The timely payment of witness expenses has improved, and is now amongst the best in the country at 99.8%, within target.
- 6.61 The business plan has a complete section on victims and witnesses with some positive actions to improve the Area performance still further. They have accepted that their role is likely to evolve in terms of increased direct contact with victims in the future, and are anticipating and providing for further training during the winter.

- 6.62 CPS representatives meet formally with Victim Support on a six monthly basis, although there is frequent telephone contact between the two agencies throughout the progress of individual cases involving sensitive issues. Victim Support were most complimentary with regard to the responsiveness of the CPS to any issues raised, but also expressed the view that on occasions they felt that the CPS and the police could be a little more proactive in notifying them of victims likely to need support.
- 6.63 Training and awareness sessions have been provided by both agencies to improve the understanding of the issues and of each other's needs.
- 6.64 The Area has worked with other agencies in formulating a protocol for the care of victims of rape and other serious sexual offences, and is to be commended for its efforts in this difficult matter.
- 6.65 We were told that there had been occasions whereby defendants had been granted bail in some sensitive cases, such as domestic violence, and the victim had not been made aware of this in a timely fashion. Whilst it is unclear as to where the breakdown in communications occurred, the Area will wish to examine its own procedures to ensure that they are robust and fulfil their responsibilities correctly.

External communication and liaison

General

- 6.66 Area staff believe that the CPS are the driving force in many of the inter agency meetings and this view was generally shared by external interviewees.
- 6.67 There are excellent working relationships with most people in external agencies and the CCP is considered to be a key figure in making the groups work effectively together. However, there needs on occasion to be a greater receptiveness and more positive response to constructive criticism.
- 6.68 The CCP has met a local consultation group and has arranged to meet others. We consider that the Area should continue to develop links with community or other organisations. We mention this especially in relation to minority ethnic groups at paragraph 6.97.

Crown Court

- 6.69 The overall relationship with the Crown Court is good and operates on a formal and informal basis. Telephone contact is used to deal with important or urgent issues.
- 6.70 The CCP works effectively with others at the various inter agency meetings at which he represents the CPS. The Trials Issues Group (TIG) and Area Criminal Justice Strategy Committee meet regularly. There are two court user groups for the Crown Court – one at Cambridge and one at Peterborough. The latter meets more frequently.

6.71 There are some issues in relation to the standard of case preparation, disclosure, and the warning and availability of witnesses that may need to be discussed and resolved in the future, together with court listing (which we referred to in paragraphs 4.43 to 4.46).

Magistrates' courts

6.72 There is liaison with magistrates' courts personnel at a number of levels.

6.73 PTLs attend the court user group meetings and one continues to be involved in the Narey implementation group which continues to meet to plan the next phase of the initiative (indictable only cases being sent directly to the Crown Court) and review the effectiveness of the implementation of Narey to date.

6.74 The CCP meets with the Justices' Chief Executive and the Assistant Chief Constable on a six weekly basis to discuss current issues.

6.75 Both the CCP and the ABM are involved in TIG meetings and are considered to be key players in what is deemed to be an effective group.

Police

6.76 Relationships with the police are generally good at both senior officer and operational level with each individual command unit. The police believe the CPS are generally responsive to any enquiries, and there were some good examples of proactive joint work in such areas as selecting counsel to prosecute in more serious cases. There are occasions whereby CPS staff do not participate fully in the mechanics of joint performance monitoring, or do not communicate quickly enough in individual cases, and this can lead to some minor frustration.

6.77 There was some internal difficulty in the CPS in terms of the set up of the CJUs (particularly vis-a-vis coverage of Cambridge) which has led to a renegotiated compromise agreement being reached.

6.78 The CCP has a good relationship with the Chief Constable. This needs to be carried forward on issues at a strategic and command level, and both organisations will want to translate this into improved performance in relation to matters involving disclosure, standards of full files, standard operating procedures, and the avoidance of cracked trials with the associated waste of resources.

Probation Service and defence solicitors

6.79 The relationship with the Probation Service is deemed to be good and healthy. Whilst there is no formal schedule of meetings at the moment consideration is being given to re-establishing a Bail Information Steering Group. Day to day relationships between CPS prosecutors and probation service staff are very good.

- 6.80 We have dealt with the need to ensure packages required for pre-sentence reports are in the right place at the right time in paragraphs 4.63 to 4.66.
- 6.81 The relationship with defence solicitors is healthy, and the CCP's enthusiasm in liaising about the new Narey initiatives and the improvement in the CPS organisation in relation to linking and answering correspondence has been appreciated.

Security

- 6.82 The staff are generally aware of security issues and have sufficient lockable facilities for the storage of files and any sensitive materials. There had been some concern over file storage and, in order to improve the situation, the Area has provided additional facilities to help with this issue.
- 6.83 There is no formal security plan, although there are some issues that are acknowledged as concerns.
- 6.84 We suggest that the ABM draws up a Security Plan, which takes into account known current issues and changes planned in the future.**
- 6.85 Back ups of system data are not always carried out correctly, particularly when the systems' administrators are absent. This is part of a wider issue relating to responsibilities which has previously been referred to in paragraph 6.39.

Accommodation

- 6.86 The CPS office in Huntingdon is situated on a business estate, approximately one mile from the town centre. Access to the office by car is fairly good and there are ample parking facilities. For those travelling by train or other public transport it is less easy, although this did not appear to be of concern to staff.
- 6.87 The property is subject to a long term lease with no break points for a further 14 years. The accommodation is quite spacious, particularly in light of the forthcoming changes to be brought about by the formation of the CJUs and satellite. We were told that some discussions were underway with other criminal justice system partners in considering additional uses for any space which becomes available as the Glidewell plans are implemented.
- 6.88 The office is generally in a good state of repair although quite untidy in places. The one notable exception is the air conditioning in the communications room, which had been out of action for almost two months, and was not expected to be fixed for another four weeks. Whilst fans are being used to cool the atmosphere in the room, this is not a suitable long term solution and may need to be re-evaluated as part of the Area risk management process.

- 6.89 HM Fire Inspectorate carried out an assessment in May and issued a list of non compliances. These need rectifying as a matter of urgency as there is a risk of the fire certificate being revoked if suitable corrective actions are not taken.
- 6.90 We recommend that the ABM carries out urgently all remedial actions as identified by the HM Fire Service Inspectorate assessment report dated 11 May 2000.**
- 6.91 Whilst recognising the budgetary constraints that exist, we consider that facilities in the CPS rooms in the Crown Court centres were poor. There were no fax or photocopying facilities at Cambridge, and a combined machine was installed at Peterborough during our inspection. The ABM will want to ensure that adequate facilities are made available at both main centres, either by negotiation with the Crown Court, or through its own provision.

Equality

- 6.92 At the time of our initial visit, a detailed plan on equality and diversity issues was not in place, although there were some commitments in the draft business plan. Since that time a comprehensive action plan has been produced and forms an integral part of the final business plan. We have previously made a suggestion with regard to providing a much shorter synopsis of the main points of the plan to staff in paragraph 6.4.
- 6.93 It is difficult to assess the effectiveness of the plan, as virtually all the commitments are future dated, with very limited action due to have taken place already.
- 6.94 Staff have undergone training on equality issues, including viewing the CPS training video. This issue was also on the agenda for the training day held in the winter.
- 6.95 Cambridgeshire Area was cited in the preliminary report on Race Discrimination in the CPS by Sylvia Denman CBE as being one where the number of staff employed from ethnic minorities by the CPS was well below the benchmark figure based on the local population. However, to put this in perspective, it must be noted that the Area is one of the smallest in the country, and each member of staff represents almost 2% of the total staff makeup.
- 6.96 At the time of our visit 3.7% of staff were from an ethnic group as opposed to the benchmark for the county of 4.3%, although it was noted this was due to change shortly as an existing member of staff from an ethnic minority was about to leave. Objectives to involve local minority ethnic groups more in recruitment are part of the Area equality plans. Actions to fill current vacancies will give the CCP an opportunity to demonstrate the Area's commitment in this important issue.
- 6.97 We recommend that the CCP ensures that:**
- * forthcoming vacancies are communicated effectively to members of ethnic minorities within the appropriate locality; and**
 - * the Area reaches out positively to community groups, in particular minority ethnic groups in the Peterborough area, to raise awareness and understanding of the role of the CPS.**

- 6.98 There have been a few changes of late with regard to the responsibility for completing the log of racial incidents in the RIMS system. As a consequence of these changes, and of a sickness absence, the system was not being kept up to date at the time of our visit. A recommendation with regard to the appointment of ‘deputies’ has been made in paragraph 6.40.
- 6.99 The Area has a good percentage of female staff and this is supported by its positive approach to part time working. Women are also well represented in management positions, with four members (out of seven) of the AMT being female.

Performance indicators

- 6.100 PIs are inaccurate in some categories.
- 6.101 The file sample sent to the Inspectorate included some files which involved only specified offences, which had been incorrectly (that is contrary to CPS guidance about PIs) recorded in PI data. These related to cases which were being dealt with under Section 12 of the Magistrates’ Courts Act 1980, but which the CPS had agreed to handle on behalf of the police, discontinuing them at the request of the police without any substantive review. This mis-recording had previously been highlighted in the 1997 Branch report and it is therefore disappointing to see that the problem still exists.
- 6.102 We recommend that the CCP and ABM assure themselves that guidance on the recording of specified proceedings is implemented, so that only appropriate case outcomes are included in the PIs.**
- 6.103 The carry over figures were inflated by failure to finalise cases going back over some years (see below). Some cases sent to us in the file sample were incorrectly categorised, and others could not be traced (see paragraph 3.42). There are issues of training of staff, checking and reconciling adverse case outcomes with the PIs, and monitoring the accuracy of the PIs.
- 6.104 We have recently published a report of our thematic review of Performance Indicator Compliance and Case Outcomes (Thematic Report 3/2000) and the AMT will want to learn lessons and draw good practice from this.
- 6.105 We recommend that the ABM ensures that:**
- * there is a system to monitor the integrity of the Area’s PIs in terms of accuracy and timely inputting of case outcomes; and**
 - * staff are trained on the operation of the system, drawing upon the issues, guidance and good practice identified in the Inspectorate’s thematic review of Performance Indicator Compliance and Case Outcomes.**

6.106 We were told that stocktakes are conducted on a six monthly basis by either the AOM or a B2 caseworker. There appears to be little analysis of the report, or remedial work, as there are many cases outstanding for finalisation on the SCOPE system which date back to 1995, particularly in the Crown Court section. Not only is this poor from an administrative viewpoint, but these could have a significant impact on the funding of the Area, which is based on completed cases. There are also many warrants over the prescribed time limit which should have been written off.

6.107 We recommend that the ABM sets up an effective system, which will:

- * ensure that current backlogs of finalisations and outstanding warrants are cleared as a matter of urgency;**
- * maintain timely finalisation of results in the future; and**
- * include details of management checks and controls.**

6.108 We were pleased, however, that there is some clear evidence that the Area does use some PI and general target related data to monitor and improve performance. Adverse cases are examined, and the information is shared with police to enable lessons to be learnt.

6.109 A quarterly update is issued to staff outlining current performance against key targets, and the tone of the reports is usually positive as the Area has met or exceeded expectations in most areas.

Handling of complaints

6.110 The Area has a well maintained system for dealing with any written complaints. The CCP takes an active part in the process and personally responds to the vast majority of complaints based on drafts and notes from the staff closest to the case.

6.111 The replies are generally of a high standard with careful, sensitive responses to the points raised. There has also been a significant improvement in timeliness, with 92.5% being dealt with within the prescribed time frames.

6.112 There was however, one complaint in which the tone seemed unnecessarily brusque in correspondence with the police, and whilst the background was explained, we consider that to fight fire with fire was not necessarily the best approach.

6.113 It was refreshing to see the openness with which the Area was willing to accept responsibility for its shortcomings when appropriate, although we were pleased to note that the number of occasions when the CPS was clearly at fault was very low.

6.114 The logs were not totally up to date at the time of our visit as the individual who had primary responsibility for maintaining the system had been off sick recently. Complaints had still been managed, but there was a small amount of data still to be recorded in the registers. This issue has been covered before and is the subject of a recommendation in paragraph 6.40.

- 6.115 Whilst most complaints are recorded in the register, it was clear to us that on occasions telephone and other oral complaints were not always captured in the system. We accept that there is bound to be an element of judgment over whether an issue is an enquiry about a decision or an expression of dissatisfaction which remains unresolved after an explanation has been tendered. We consider that the latter category should be registered and followed up by the CPS wherever feasible.
- 6.116 We recommend that the CCP ensures that all significant oral and telephone complaints are included in the formal system and dealt with in the same way as those received in writing.**

CONCLUSIONS, GOOD PRACTICE, RECOMMENDATIONS AND SUGGESTIONS

Conclusions

- 7.1 The performance of the Area in terms of attaining targets has been very good and is better than the national average in the main categories including overarching aims such as sickness and speeding up youth justice. The standard of decision making is generally good.
- 7.2 On the other hand, the Area is not discharging its duties of disclosure to an appropriate standard. Additionally, there appear to be weaknesses in the operations in the Crown Court which are causing problems and delay. The low standard of briefs to counsel, and some weaknesses in the preparation of cases for trial in the Crown Court are hopefully being addressed and remedied by the new functional Crown Court unit. Nevertheless, a shift in Area priorities to address Crown Court issues more effectively is called for.
- 7.3 As with most Areas, the changes to be implemented as part of the Glidewell Review have caused concerns to staff, particularly amongst caseworkers. At the time of our visit final negotiations were underway to agree the new structures, and it is hoped that this will relieve some of the anxiety felt by staff. Managers need to make extra efforts to communicate with staff during the planning and implementation phases.
- 7.4 The CCP has faced a difficult challenge in balancing the needs of CJS partners and CPS staff in finding the optimum solution with regard to the location and structure of the CJUs. This has resulted in a compromise, which has some risks attached in terms of operational efficiency and will need to be carefully monitored.
- 7.5 The financial controls in the Area are good with frequent monitoring of amounts spent and committed. The ABM is aware of the key challenges faced with regard to the control of agents' fees and travel and subsistence in the second half of the year.
- 7.6 The Area has taken a positive approach to flexible working, but care needs to be taken to ensure that the number of staff working part time does not prevent the fair distribution of workload or adversely effect the operational needs of the Area in covering its magistrates' courts and Crown Court cases. There is already some feeling that, as a separate issue, there are some inequalities in the division of tasks and this will need to be addressed as part of the ongoing reviews.
- 7.7 The use of SCOPE as a management tool can be much improved, and, if used properly, can help avoid the issues such as backlogs in finalisations and warrant clearance. The large volume of outstanding Crown Court finalisations is likely to have had an adverse impact on the funding of the Area and is an issue that should be resolved as a matter of urgency.

- 7.8 The Area faces similar problems as a number of others – lengthy travel to some courts, some Crown Court cases being heard outside the county, some problems with the quality of police files, and current arrangements involving Narey courts throwing administrative burdens on to prosecutors. Resolving them within the new arrangements for CJUs and the trials unit will be challenging, but some are capable of solution within existing plans.
- 7.9 The Area’s staffing make up did not fully reflect the ethnicity of the county. It will need to take positive steps to ensure vacancies are advertised openly and fairly. At the same time it will need to carry forward its action plan on diversity and racial equality and to reach out to local community groups to improve relationships and the Area’s standing with members of the ethnic minorities in the community.
- 7.10 We have commended the Area in relation to a number of matters in the text, in particular allocating lawyers to cases involving serious offences at an early stage to facilitate the provision of advice to police, and consistency through the case; the low discontinuance rate achieved and the ‘second opinion’ system; some aspects of the CTL system; and desk top guidance upon file handling. Elsewhere we have drawn attention to issues that require attention, some urgently. We emphasise the need to reinforce the priority to Crown Court matters, and to take a more proactive approach to overcoming obstacles and problems in some of these cases in the Crown Court; and to carry forward the planned actions on diversity and racial equality issues; and to maintain open two-way internal communication.

Good practice

- 7.11 Where we have seen the Area undertaking its work to a high standard we have commended that during the course of this report and in our conclusions above. It is appropriate that we should draw attention particularly to those practices or initiatives that we consider other Areas might wish to note when dealing with similar issues.
- 7.12 **Protocol on third party material** (paragraph 4.21) – The Area has proposed a protocol with the Local Authority for the sharing of information in child protection enquiries. The draft is due to be discussed by the Local Authority in September.
- 7.13 **Use of shared diary system** (paragraph 6.12) - The Area Secretariat uses a shared GroupWise diary system which enables better planning of their time and the ability to schedule meetings more effectively.
- 7.14 **Treatment of victims and witnesses** (paragraph 6.64) – the Area has agreed a protocol with the other agencies for the care of victims of rape and serious sexual assaults.

Recommendations and suggestions

- 7.15 The distinction between recommendations and suggestions lies in the degree of priority that the Inspectorate considers should attach to its proposals. Those meriting highest priority form the basis of recommendations.

- 7.16 With a view to improving Area performance, we make the following recommendations:
1. the CCP introduces an effective system to ensure that advice is provided to the police within 14 days (paragraph 2.10);
 2. the CCP ensures that all telephone and informal advice is recorded and confirmed in writing to the police (paragraph 2.21);
 3. the CCP examines cases which are dropped / fail at the Crown Court when witnesses fail to attend:
 - * to determine whether there is any action which could be taken on the part of the CPS or the other agencies; and
 - * to discuss with the other agencies implementation of action to reduce the number of cases failing because of witness non-attendance (paragraph 3.46);
 4. the CCP ensures that prosecutors and caseworkers make full records on files of review decisions at all stages of case progress (paragraph 3.53);
 5. the CCP ensures that:
 - * all prosecutors receive renewed training on the provisions of the CPIA;
 - * prosecutors always discharge their duties of disclosure effectively at both the primary and secondary stages;
 - * prosecutors always discharge their duties of disclosure in relation to sensitive material in relevant cases; and
 - * a clear record is maintained of the decisions taken, and the reasons for those decisions, in relation to all disclosure issues (paragraph 4.22)
 6. the CCP implements a system to monitor instructions to counsel to ensure that briefs are of a consistently high standard (paragraph 4.34);
 7. the CCP ensures that amendments to indictments are monitored in order that indictments are drafted more accurately and lessons are learnt (paragraph 4.40);
 8. the ABM ensures that line managers on each unit take overall responsibility for checking that CTLs are accurately recorded and updated (paragraph 4.58);
 9. the CCP takes action to improve the quality and clarity of file endorsements on Crown Court files (paragraph 4.61);

10. the CCP checks the relevant systems and practices to ensure that the necessary information to prepare pre-sentence reports is made available to the Probation Service and youth offender teams at the appropriate time. (paragraph 4.66);
11. the CCP ensures that experienced prosecutors appear in youth courts, and where, exceptionally, agents are instructed they have appropriate experience and expertise (paragraph 5.17);
12. the CCP conducts a formal review of the effectiveness of the CJUs within six months of the implementation of the revised structure, to include:
 - * the level of administrative support from police at the Cambridge satellite;
 - * the morale of prosecutors at the satellite;
 - * the effectiveness of any file movements between Cambridge and Huntingdon; and
 - * the volume of work and the responsibilities of support staff in the Southern CJU (paragraph 6.7).
13. the CCP ensures that regular Area meetings are held to facilitate effective two-way dissemination of information (paragraph 6.11);
14. the CCP ensures that sufficient time and resources are devoted to the management of caseworkers in order that they receive the right level of guidance and direction in meeting objectives, and improving performance where appropriate (paragraph 6.17);
15. the CCP ensures that a review is conducted in order to check that workload is fairly and sensibly distributed amongst teams and individuals (care should be taken if using PI data to assess volumes as it is known that there are backlogs) (paragraph 6.18);
16. the ABM ensures that SCOPE is used as an effective management tool (paragraph 6.27);
17. the CCP identifies adequate and properly trained ‘deputies’ for specific responsibilities which are currently assigned to one person, to ensure that work still gets done correctly when a member of staff with a designated responsibility is absent (paragraph 6.40);
18. the ABM carries out urgently all remedial actions as identified by the HM Fire Service Inspectorate assessment report dated 11 May 2000 (paragraph 6.90);
19. the CCP ensures that:
 - * forthcoming vacancies are communicated effectively to members of ethnic minorities within the appropriate locality; and
 - * the Area reaches out positively to community groups, in particular minority ethnic groups in the Peterborough area, to raise awareness and understanding of the role of the CPS (paragraph 6.97);

20. the CCP and ABM assure themselves that guidance on the recording of specified proceedings is implemented, so that only appropriate case outcomes are included in the PIs (paragraph 6.102);
21. the ABM ensures that:
 - * there is a system to monitor the integrity of the Area's PIs in terms of accuracy and timely inputting of case outcomes; and
 - * staff are trained on the operation of the system drawing upon the issues, guidance and good practice identified in the Inspectorate's thematic review of Performance Indicator Compliance and Case Outcomes (paragraph 6.105);
22. the ABM sets up an effective system, which will:
 - * ensure that current backlogs of finalisations and outstanding warrants are cleared as a matter of urgency;
 - * maintain timely finalisation of results in the future; and
 - * include details of management checks and controls (paragraph 6.107);
23. the CCP ensures that all significant oral and telephone complaints are included in the formal system and dealt with in the same way as those received in writing (paragraph 6.116);

7.17 We also make the following suggestions:

1. the CCP re-examines the system for allocating files to lawyers in order to ensure that all files are reviewed and decisions made as soon as reasonably practicable, to avoid duplication of effort, and to support case ownership (paragraph 3.14);
2. the CCP introduces a formal system of monitoring decisions to discontinue cases, particularly cases dropped at court, and the recording of reasons for discontinuance (paragraph 3.33);
3. the CCP ensures that any bail conditions imposed by the court are easily identifiable in the file (paragraph 3.37);
4. the CCP nominates an Area youth co-ordinator to instigate good practice and to liaise with other agencies in order to ensure that all youth cases, and in particular those relating to persistent young offenders, are dealt with as expeditiously as possible (paragraph 3.64);

5. the CCP examines the way committals are prepared in order to ensure that lawyers are not spending time on administrative tasks or routine issues and caseworkers are undertaking work which develops and uses their skills and provides them with job satisfaction (paragraph 4.30);
6. the CCP develops arrangements so that caseworkers retain responsibility for the management of their own cases throughout, including instructing counsel at court where feasible (paragraph 4.47);
7. the AMT ensures that effective monitoring systems are introduced to assess the performance of advocates appearing on behalf of the CPS, including CPS prosecutors, agents in the magistrates' courts and counsel in the Crown Court, and, where appropriate, to provide feedback to the prosecutors involved (paragraph 5.29);
8. the CCP and ABM issue and distribute a synopsis of both the Area Business Plan and Diversity Plan, which shows the major priorities on a quarter by quarter basis (paragraph 6.4);
9. the AMT ensures that, as far as possible, both magistrates' court units follow the same set of operating procedures, utilising the same desk top guide (paragraph 6.22);
10. the ABM and CCP carefully plan the expenditure on agents for the second half of the year to ensure that the budget is not compromised, taking into account known issues such as Glidewell implementation, witness care training and Connect 42 (paragraph 6.32);
11. the ABM produces a training plan that takes into account the needs of staff in meeting personal, team, Area and CPS objectives for the year, and plans resource allocation and expenditure accordingly (paragraph 6.48);
12. the ABM draws up a Security Plan, which takes into account known current issues and changes planned in the future (paragraph 6.84).

KEY STATISTICS

- 8.1 The charts in Annex 2 set out the key statistics about the area's casework in the magistrates' courts and in the Crown Court for the year ending 30 June 2000.

EXTERNAL CONSULTATION

- 9.1 Annex 3 is a list of the local representatives of criminal justice agencies who assisted in our inspection.

**TOTAL NUMBER OF FILES EXAMINED FOR
CPS CAMBRIDGESHIRE**

File Category	Total Number of Files
Advice files	10
Magistrates' courts	
guilty pleas, convictions and acquittals after trial	50
motoring offences	10
acquittals where magistrates found no case to answer	2
discharged committals	0
cases where custody time limits applied	5
discontinued cases	67
Crown Court	
guilty pleas, convictions and acquittals after trial	50
judge ordered acquittals	13
judge directed acquittals	4
cases committed for sentence (following plea before venue)	10
appeals against conviction in the magistrates' court	5
cases where custody time limits applied	5
TOTAL	231

ANNEX 2

Table for chart 1

Types of case	Cambridgeshire		National	
	Number	Percentage	Number	Percentage
Advice	522	3.0	51,204	3.6
Summary motoring	8,264	47.2	525,410	36.9
Summary non-motoring	2,343	13.4	258,848	18.2
Either way & indictable	6,349	36.3	574,567	40.3
Other proceedings	12	0.1	14,007	1.0
Total	17,490	100	1,424,036	100

Table for chart 2

Completed cases	Cambridgeshire		National	
	Number	Percentage	Number	Percentage
Hearings	13,520	79.7	992,486	73.0
Discontinuances	1,462	8.6	167,672	12.3
Committals	854	5.0	85,896	6.3
Other disposals	1,120	6.6	112,771	8.3
Total	16,956	100	1,358,825	100

Table for chart 3

Case results	Cambridgeshire		National	
	Number	Percentage	Number	Percentage
Guilty pleas	11,067	81.2	818,889	82.2
Proofs in absence	1,681	12.3	118,627	11.9
Convictions after trial	624	4.6	42,385	4.3
Acquittals: after trial	232	1.7	14,979	1.5
Acquittals: no case to answer	21	0.2	1,710	0.2
Total	13,625	100	996,590	100

Table for chart 4

Types of case	Cambridgeshire		National	
	Number	Percentage	Number	Percentage
Indictable only	316	22.4	28,167	22.6
Either way: defence election	141	10.0	18,466	14.8
Either way: magistrates' direction	571	40.5	40,472	32.5
Summary: appeals; committals for sentence	383	27.1	37,377	30.0
Total	1,411	100	124,482	100

**Table for chart 5
Completed cases**

	Cambridgeshire		National	
	Number	Percentage	Number	Percentage
Trials (including guilty pleas)	921	89.6	74,307	85.3
Cases not proceeded with	73	7.1	9,846	11.3
Bind overs	16	1.6	1,493	1.7
Other disposals	18	1.8	1,459	1.7
Total	1,028	100	87,105	100

**Table for chart 6
Case results**

	Cambridgeshire		National	
	Number	Percentage	Number	Percentage
Guilty pleas	682	71.4	55,582	73.4
Convictions after trial	164	17.2	11,579	15.3
Jury acquittals	95	9.9	6,774	8.9
Judge directed acquittals	14	1.5	1,763	2.3
Total	955	100	75,698	100

Chart 1: Magistrates' Court - Types of case

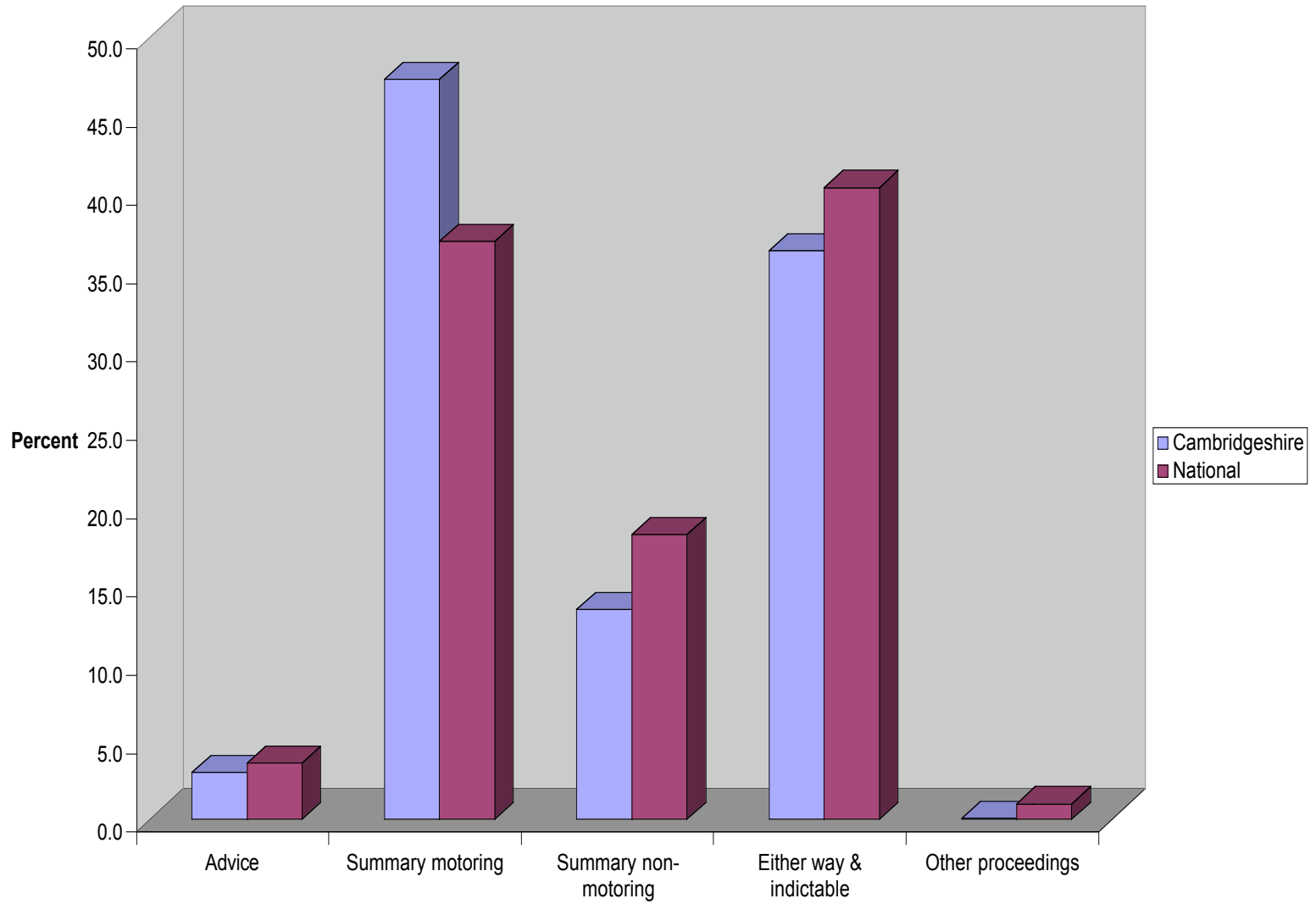


Chart 2: Magistrates' Court - Completed

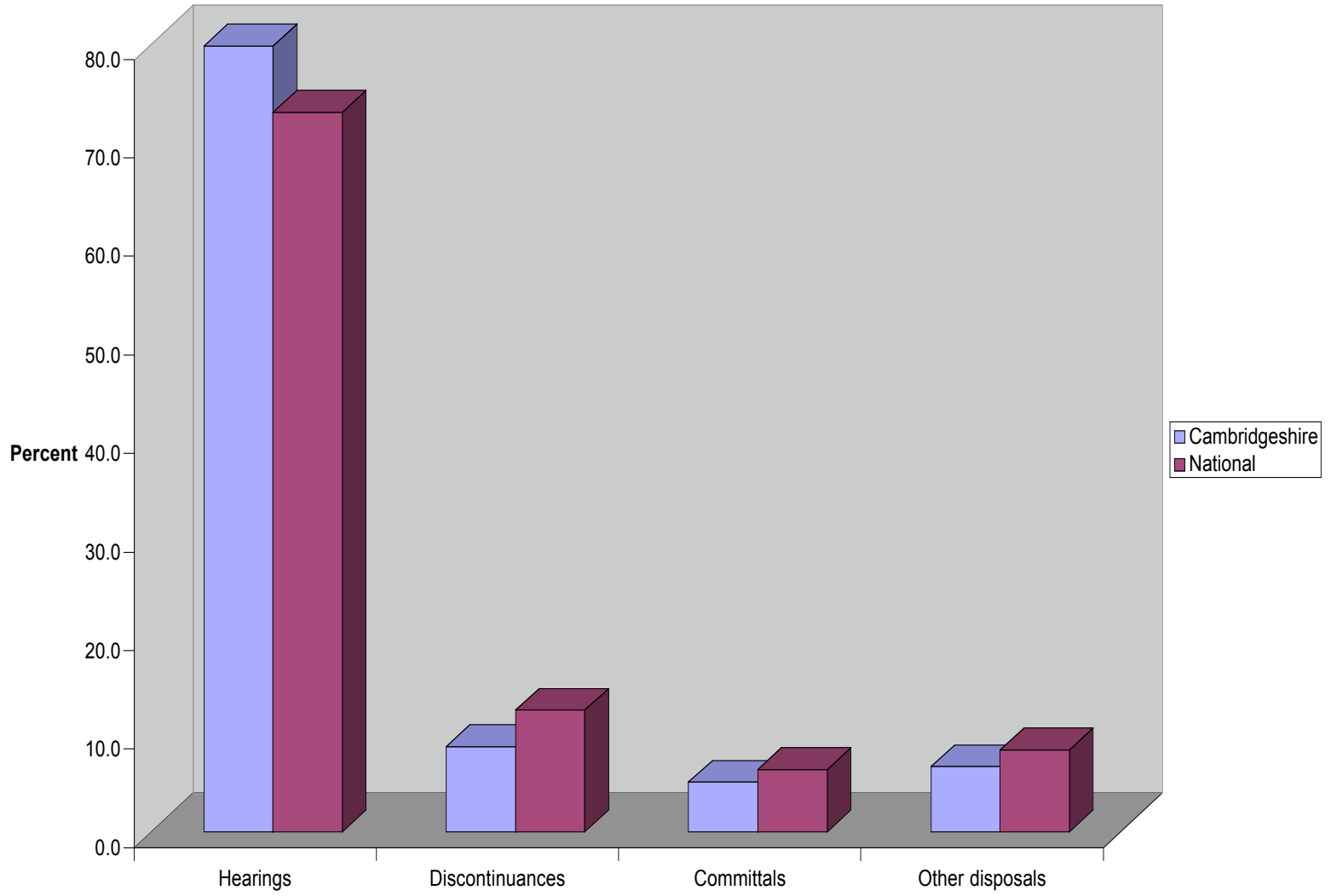


Chart 3: Magistrates' Court - Case

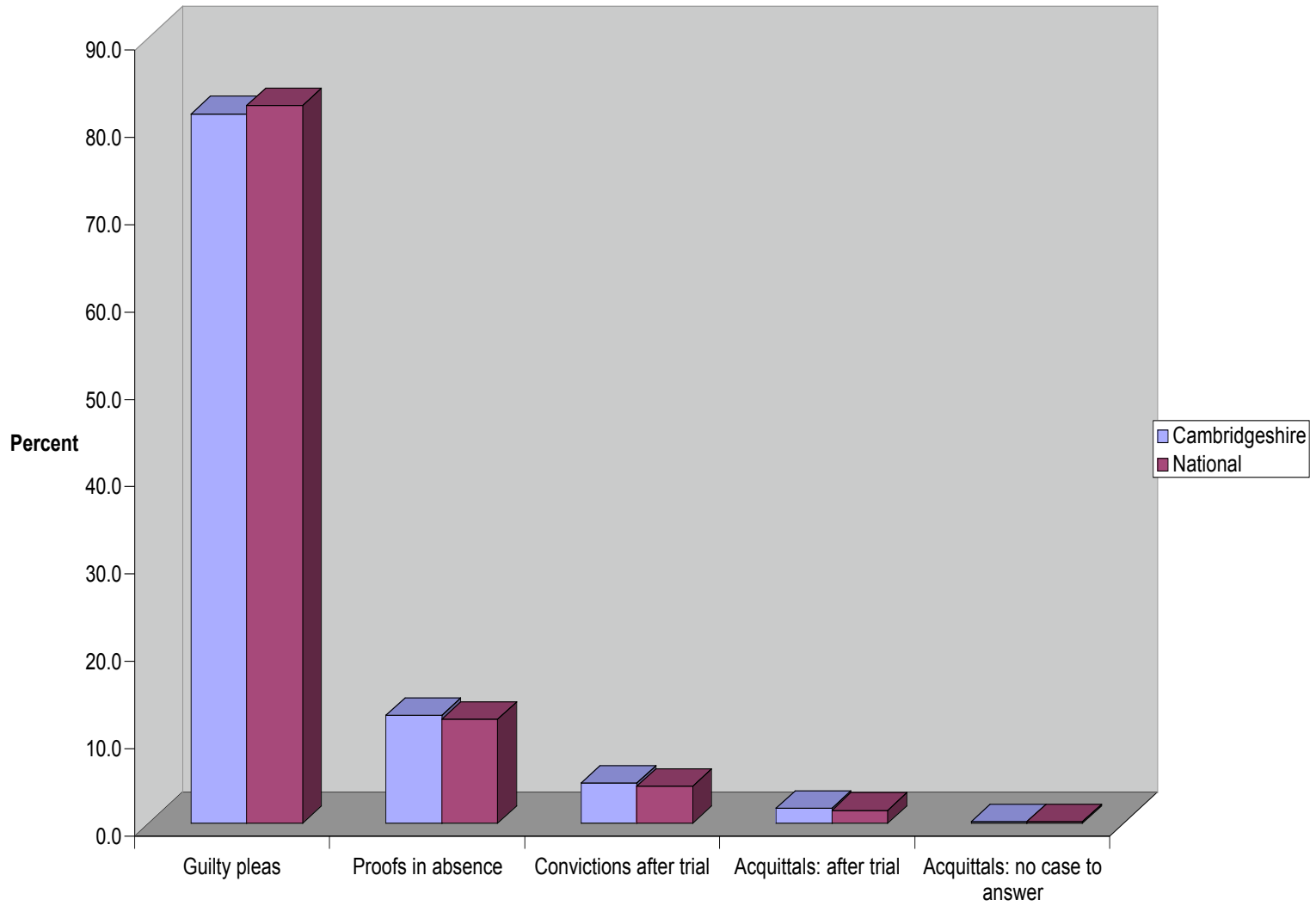


Chart 4: Crown Court - Types of case

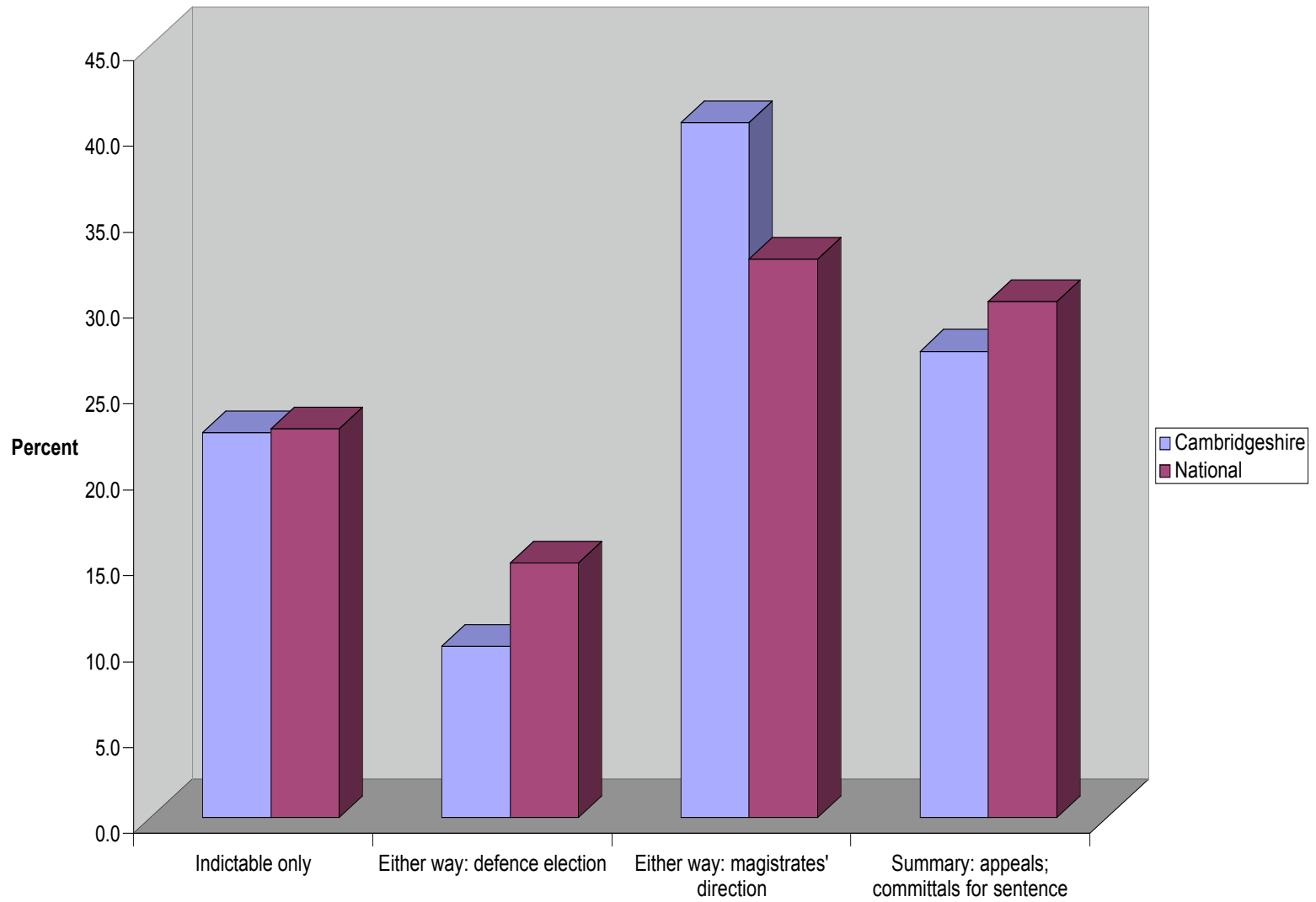


Chart 5: Crown Court - Completed cases

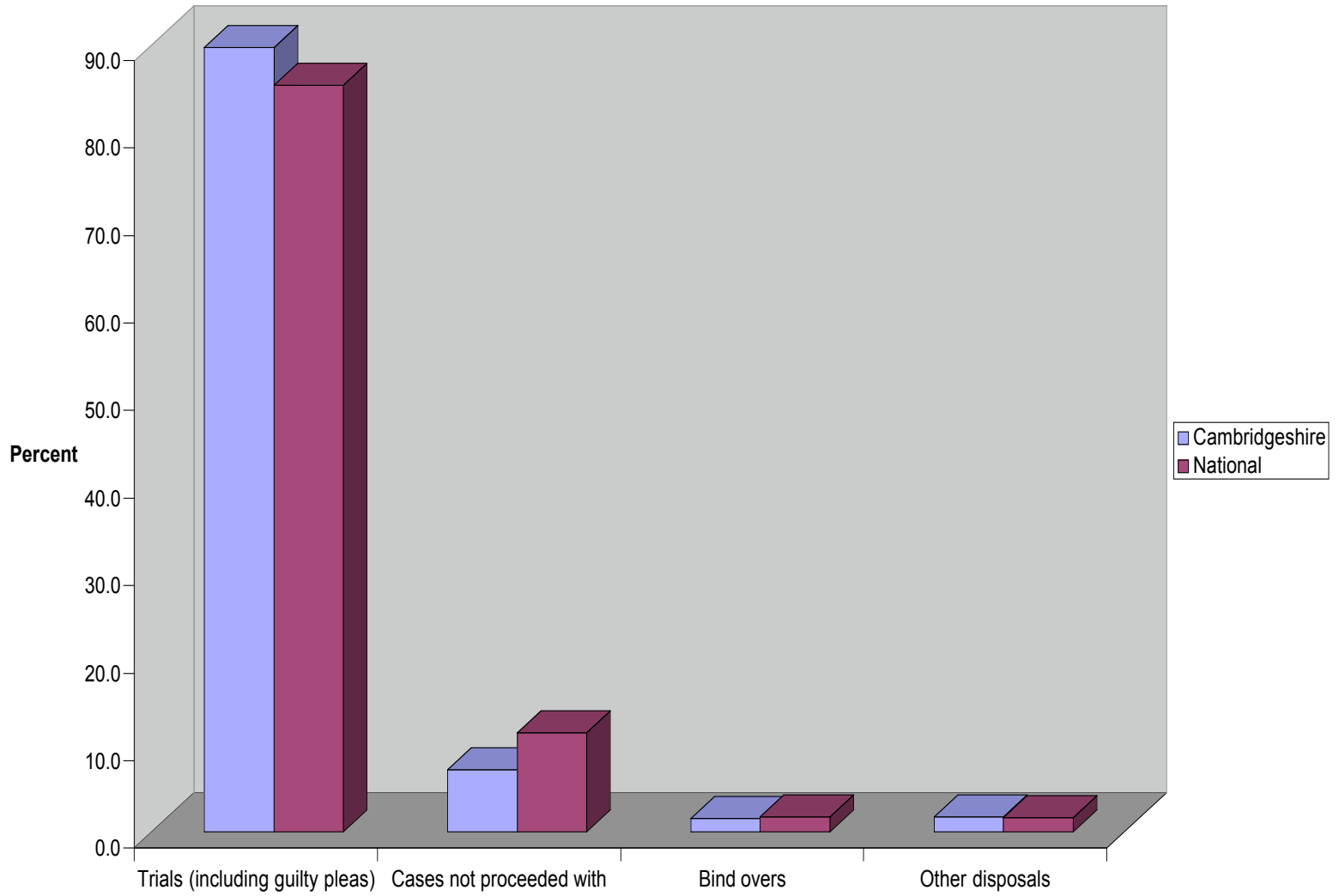
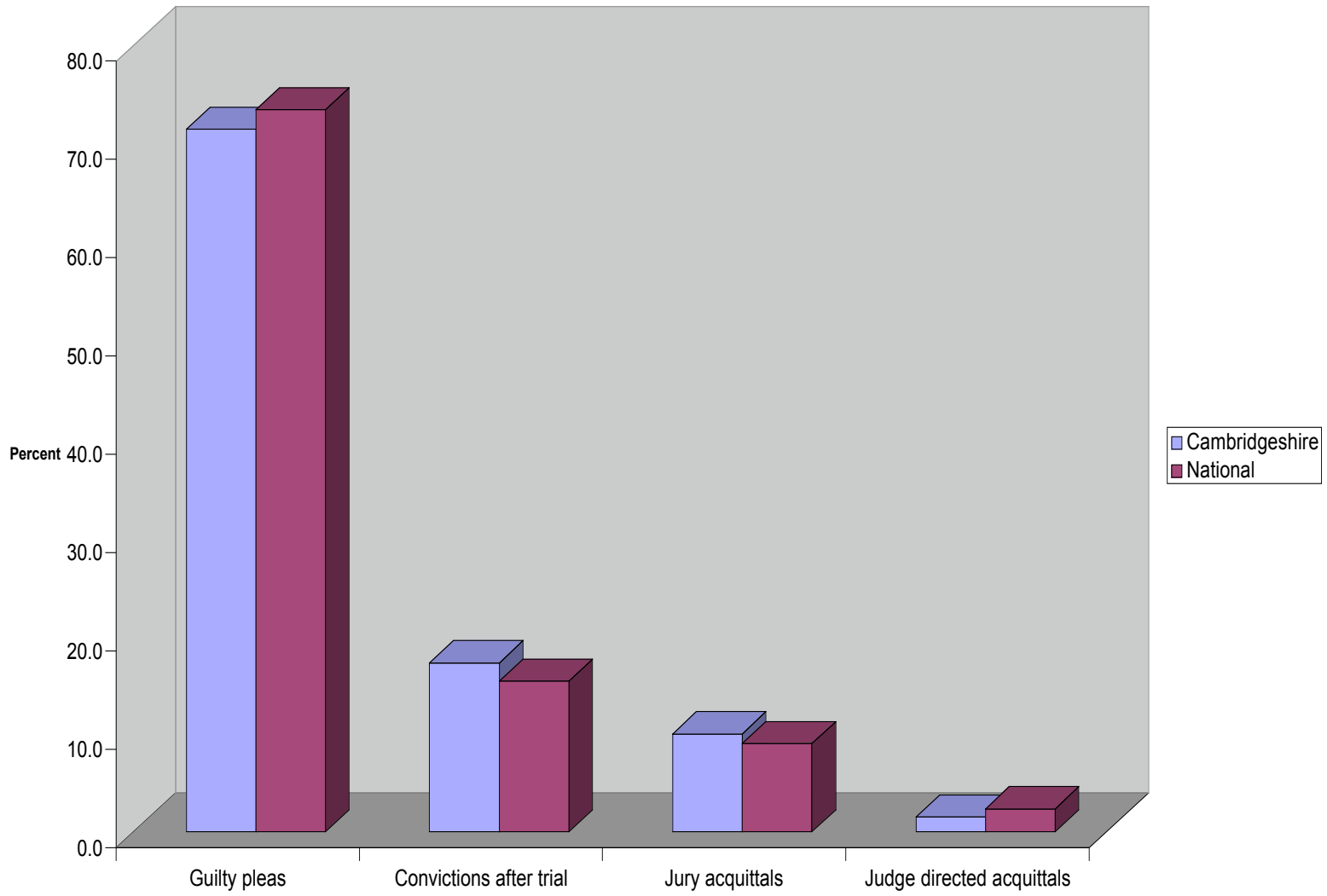


Chart 6: Crown Court - Case



LIST OF LOCAL REPRESENTATIVES OF CRIMINAL JUSTICE AGENCIES WHO ASSISTED IN OUR INSPECTION

Judges

His Honour Judge Haworth
His Honour Judge Mayor QC

Magistrates' Courts

Mr A Cook JP, Chairman of the Cambridgeshire Magistrates' Courts' Committee
Mr M Ballard JP, Chairman of the Huntingdonshire Bench
Mr P Collins JP, Chairman of the Peterborough Bench
Mr P Holmes JP, Chairman of the Cambridgeshire Bench
Mr G Kemp JP, Chairman of the Fenland Bench
Mrs J Lewin-Smith JP, Vice Chairman of the East Cambridgeshire Bench
Mr P Peaston, Justices' Chief Executive
Mr T Daber, Clerk to the Justices
Mr N Leigh-Smith, Clerk to the Justices

Police

Mr D Gunn QPM, Chief Constable
Chief Superintendent J Fuller
Chief Superintendent D Roberts
Chief Superintendent C Stevenson
Detective Superintendent M Hopkins
Superintendent N Sunman
Detective Chief Inspector P Craig
Detective Sergeant C Mead
Police Sergeant R Pestell

Defence Solicitors

Mr R Brown
Mr J Henson

Counsel

Mr R Mayo
Mr T Spencer

Probation Service

Mr J Hughes, Chief Probation Officer

Youth Offender Team

Mr M Davey

Victim Support

Mrs P Rogers

Witness Service

Mrs J Hughes

Mrs J Pobjee

HM CROWN PROSECUTION SERVICE INSPECTORATE

Statement of purpose

To promote the efficiency and effectiveness of the Crown Prosecution Service through a process of inspection and evaluation; the provision of advice; and the identification and promotion of good practice.

Aims

- 1 To inspect and evaluate the quality of casework decisions and the quality of casework decision-making process in the Crown Prosecution Service.
- 2 To report on how casework is dealt with in the Crown Prosecution Service in a way which encourages improvement in the quality of that casework.
- 3 To report on other aspects of Crown Prosecution Service where they impact on casework.
- 4 To carry out separate reviews of particular topics which affect casework or the casework process. We call these thematic reviews.
- 5 To give advice to the Director of Public Prosecutions on the quality of casework decisions and casework decision-making processes of the Crown Prosecution Service and other aspects of performance touching on these issues.
- 6 To recommend how to improve the quality of casework and related performance in the Crown Prosecution Service.
- 7 To identify and promote good practice.
- 8 To work with other inspectorates to improve the efficiency and effectiveness of the criminal justice system.
- 9 To promote people's awareness of us throughout the criminal justice system so they can trust our findings.